

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2015

CORAM

THE HON'BLE MR. JUSTICE R.S.RAMANATHAN

Crl.O.P.No.2364 of 2015
and M.P.No.1 of 2015

R.Viswanathan

.. Petitioner

vs.

State Rep by its
The Inspector of Police,
Kovagam Police Station,
Ariyalur District.
(Crime No.7/2014)

.. Respondent

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to C.C.No.134 of 2014 on the file of the Judicial Magistrate Court, Jayamkondam and quash the same.

For Petitioner : Mr.M.Manikandan

For Respondent : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition is filed under Section 482 CrPC, seeking to quash the C.C.No.134 of 2014 on the file of the Judicial Magistrate Court, Jayamkondam.

2. The petitioner is the fourth accused in C.C.No.134 of 2014 on the file of the Judicial Magistrate Court, Jayamkondam. It is submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in this case and the petitioner was suffering from "Left Sided Irreducible Inguinal Hernia" and he cannot walk without stick and he was also admitted in the hospital on 16.12.2013 and discharged on 21.12.2013 and having regard to the ailment, he could not have committed the offence as alleged by the prosecution on 07.01.2014. He therefore submitted that the case as against the petitioner is to be quashed.

3. I am unable to accept the contention of the learned counsel for the petitioner. On the complaint given by the defacto complainant, namely Mr.Thirunanam @ Thirunanasammantham, the case was

registered in Crime No.7/2014 for the offences under Sections 147, 148, 324 and 506(ii) IPC. As per the F.I.R., the petitioner along with other accused alleged to have attacked the defacto complainant and the petitioner was armed with iron rod. The defacto complainant, while examined as L.W.1., also corroborated the said instance and the involvement of the petitioner in the commission of offences. Therefore, prima facie case has been made out on the basis of the statement given by the witnesses that the petitioner also attacked the defacto complainant along with others. The contention of the learned counsel for the petitioner that the petitioner was affected with ailment as stated above and therefore he could not have participated in the occurrence, cannot be accepted at this stage and while framing charge sheet, the Court has to look into the allegation made by the witnesses during investigation and as per the statement of L.W.1 and other witnesses, the involvement of the petitioner in the occurrence has been established. Hence, no ground has been made out to quash the proceedings.

4. Hence, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is dismissed.

jvm

s/d-

Assistant Registrar(CS-III)

Dt:12/3/2015

True Copy

Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Jayamkondam.

2.-do- thro' The Chief Judicial Magistrate,
Ariyalur District, Ariyalur.

3.The Inspector of Police,
Kovagam Police Station,
Ariyalur District.

4.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.S.Manivelu, Advocate SR 11241

gp(co)
prk16/3

Cr1.O.P.No.2364 of 2015