

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.29090 of 2015

V.Palani

... Petitioner/9th accused

Vs

State rep. By the
Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District
Hosur Town.
Crime NO.614 of 1995
of Hosur, Town Police Station.

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the learned Judicial Magistrate No.II, Hosur to not to commit him to Judicial remand during committal in PRC.No.65 of 2015 on his file.

For Petitioner : Mr.K.V.Sridharan

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

O R D E R

The present criminal original petition has been filed to direct the learned Judicial Magistrate No.II, Hosur to not to commit him to judicial remand during committal in PRC.No.65 of 2015 on his file.

2. In the petition, it has been stated that the petitioner is arrayed as A9 in S.C.No.240 of 2004 on the file of the Additional District Sessions Court, Hosur. The petitioner was the 2nd Investigating Officer in the case registered in Cr.No.614 of 1995 on the file of the Inspector of Police, Hosur Police Station. The said case was registered in Crime No.61 of 1995 under Section 307 of IPC on the complaint given by N.C.Jaushankar. The accused in this case are Varadarajan and Ramachandran. The investigation was taken up by E.Ramdoss, the Inspector of Police. The crime was altered to one under Section 302 of IPC on the death of injured N.C.Chandrasekar on 18.08.1995. The petitioner took up investigation on 26.11.1995. On 2.12.1995, he arrested A.3 and A.4. The named Accused No.2, Ramachandran surrendered before the Court on 15.05.1995. After completion of investigation, the petitioner filed the charge sheet on 26.03.1997 after obtaining the opinion of concerned persons. After

the charge sheet was filed, the learned Magistrate committed the case to the Court of Sessions. The trial Court took the case on file in S.C.No.240 of 2004 and the trial went on and further investigation under Section 173 (8) Cr.P.C., was taken up by the Deputy Superintendent of Police, D.C.B., Krishnagiri District. After completion of investigation, the charge sheet was filed against 9 accused under various sections of Indian Penal Code.

3. It is further stated that the supplementary charge sheet was filed before the learned Judicial Magistrate No.II, Hosur. The said Judicial Magistrate took the case on file against all the accused namely A.1 to A.9 under Sections 120-B, 302, 109 r/w 302 IPC, 201 r/w 302 IPC, 34, 166-A, 218, 419, 201 r/w 109 IPC. The petitioner has been added as A.9 after 18 years, hence he has come forward with the present petition to direct the learned Judicial Magistrate No.II, Hosur to not to commit him to Judicial remand during committal in PRC.No.65 of 2015 on his file.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

5. The learned Additional Public Prosecutor submits that the prayer for directing the learned Judicial Magistrate No.II, Hosur to not to commit the petitioner to Judicial remand during committal in PRC.No.65 of 2015 on his file cannot be invoked under Section 482 Cr.P.C., and the petitioner has to work out his remedy before the concerned Judicial Magistrate.

6. Considering the submissions of the learned Additional Public Prosecutor, the petitioner is directed to work out his remedy before the learned Judicial Magistrate concerned in the manner known to law.

7. This Criminal Original petition is disposed of accordingly.
Ssd

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

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To

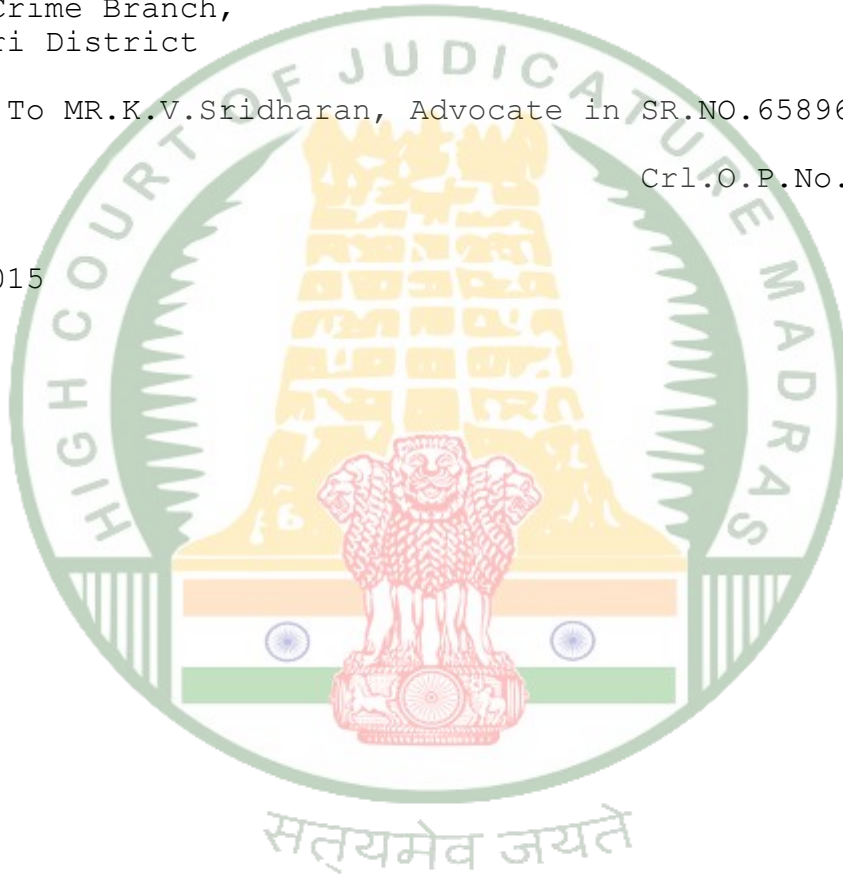
1. The Judicial Magistrate No.II,
Hosur
2. The Chief Judicial Magistrate,
Krishnagiri
3. The Public Prosecutor,
High Court, Madras
4. The Deputy Superintendent of Police,
District Crime Branch,
Krishnagiri District

+1 C.C. To MR.K.V.Sridharan, Advocate in SR.NO.65896

CrI.O.P.No.29090 of 2015

RV(CO)

sd : 14/12/2015



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