



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
Crl.O.P (MD) No.11232 of 2015

WEB COPY

David Raj

... Petitioner

-Vs-

State rep. By
The Deputy Superintendent of Police,
Nanguneri Sub Division,
Kalakad Police Station,
(Crime No.130 of 1993)
and Forest Cell
CID Crime No.1 of 1994

... Respondent

PRAYER:- Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 praying to call for the records relating to the charge sheet in P.R.C.No.81 of 2012 on the file of the Judicial Magistrate Court, Nanguneri in Crime No.130 of 1993 on the file of the Kalakad Police Station and Forest Cell CID Crime No.1 of 1994 and quash the same.

For Petitioner : Mr.AR.Jeya Rhuthran
For Respondent : Mrs.S.Prabha

Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition is filed to call for the records relating to the charge sheet in P.R.C.No.81 of 2012 on the file of the Judicial Magistrate Court, Nanguneri in Crime No.130 of 1993 on the file of the Kalakad Police Station and Forest Cell CID Crime No.1 of 1994 and quash the same.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.

3. The petitioner, who is arrayed as Accused No.9 in P.R.C.No.81 of 2012 pending on the file of the learned Judicial Magistrate, Nanguneri, has come forward to file this petition.

4. When the matter is taken up for hearing, both the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.Side) submitted that after a full-fledged trial, co-accused who was similarly placed as that of the petitioner was acquitted by the Assistant Sessions Judge, Valliyoor in and by order dated 10.03.2015. The quash petition filed by the co-accused was also allowed by this Court in Crl.O.P(MD)No.6907 of 2011, dated 05.06.2013, after verifying the fact that the State that has not preferred any appeal.



5. The following is the order passed in the above said case and the same reads as follows:-

"3. When the matter was taken up for hearing in the last occasion, learned counsel for the petitioner submitted that all the co-accused have been acquitted by the trial Court. Reliance has been made upon the Judgment of the Assistant Sessions Judge, Valliyur in S.C.No.323 of 2012, dated 10.03.2015, wherein the co-accused were acquitted on the ground that the prosecution has not proved the case. The matter was adjourned to today so as to enable the learned Government Advocate (Criminal Side) to verify whether any appeal has been preferred against the Judgment dated 10.03.2015 or likely to be preferred.

4. Today, when the matter was taken up, the learned Government Advocate (Criminal Side) submitted that no appeal is preferred and there is no intention to file appeal.

5. Considering the same, this Court is of the view that no useful purpose will be served in making the petitioner to undergo ordeal of trial. The petitioner is also stated to be on the similar footing as that of the other accused.

6. In view of the same, the Criminal Original Petition is allowed and the proceedings of the Judicial Magistrate, Nanguneri in P.R.C.No.68 of 2009 is quashed."

6. Following the same, the Criminal Original Petition is allowed and the proceedings of the Judicial Magistrate, Nanguneri in P.R.C.No.81 of 2012 is quashed.

Sd/-

Assistant Registrar(Crl.Side)

/True copy/

sub Assistant Registrar

ps

To

1.The Judicial Magistrate Court,Nanguneri.

2.The Deputy Superintendent of Police,

Nanguneri Sub Division, Kalakad Police Station.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.AR.Jeya Rhuthran,Advocate in Sr NO.40286

Crl.O.P(MD)No.11232 of 2015

22.07.2015