

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.1163 of 2016
and Crl.M.P.No.513 of 2016

P.Senapathi

..Petitioner

Vs

1.P.Ganeswaran
2.P.Ponnusamy
3.D.Arunachalam
4.Magudapathy

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the learned Chief Judicial Magistrate, Tiruppur to frame the charges as stated in the CMP No.139 of 2014 in S.C.No.110 of 2013 on the file of the learned Chief Judicial Magistrate, Tiruppur in particular section 307 r/w 34 of IPC.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.S.Arjun

O R D E R

This petition has been filed to direct the learned Chief Judicial Magistrate, Tiruppur to frame the charges as stated in the CMP No.139 of 2014 in S.C.No.110 of 2013 on the file of the learned Chief Judicial Magistrate, Tiruppur in particular section 307 r/w 34 of IPC.

2. It is seen that this Court has passed a detailed order dated 17.06.2015 in Crl.O.P.Nos.14716 and 14717 of 2015 in which the entire facts of the case have been narrated, which will be superfluous to once again state the same. It is the grievance of the petitioner/complainant that pursuant to the order passed by this Court, the Chief Judicial Magistrate, Tiruppur has disposed of CMP No.139/2014 on 27.10.2015 and has framed charges on 16.12.2015, in which also there is a patent error, inasmuch as the time of incident is stated as 09.15 which means 9.15 a.m., but whereas, it is the case of the prosecution that the incident had taken place at 9.15 p.m.

3. This Court finds sufficient force in the submission of the learned counsel for the petitioner that the time of the offence is not properly given in the charge, which will lead to grave prejudice to the complainant. Under such circumstances, the charges framed on 16.12.2015 are set aside and the trial Court is directed to frame afresh charge by noting the time of occurrence as 9.15 p.m. or 21.15 hrs.,

within two weeks from the date of receipt of a copy of this order. With the above direction, this petition is closed. Consequently, connected M.P. is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gms

To

1.The Chief Judicial Magistrate, Tiruppur.

+ 2 CCs to Mr.M.Saravanakumar, Advocate SR NO 36907

+ 1 CC to Mr.S.Gunalan, Advocate SR NO 36538

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