

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.15407 of 2016
and Crl.MP.No.7611 of 2016

Manikandan @ Elumalai ... Petitioner/Accused 1

Vs

1.State represented by
Inspector of Police,
Thirumanur Police Station,
Ariyalur District. ... 1stRespondent/Complainant.

2.Palanichamy ... 2nd Respondent/Defacto
Complainant.

Prayer: Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records relating to the impugned charge
sheet in S.C.No.31 of 2016 on the file of the Chief Judicial
Magistrate, Ariyalur, and quash the same.

For Petitioner : Mr.R.Sivaraman
For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the
charge sheet in S.C.No.31 of 2016 on the file of the Chief
Judicial Magistrate, Ariyalur.

2. Heard the learned counsel appearing for the petitioner
and the learned Additional Public Prosecutor appearing for the
first respondent.

3. When the case is taken up for hearing on 22.07.2016, the
learned counsel for the petitioner sought adjournment and
therefore, the case was posted to 28.07.2016. Again on
28.07.2016, further adjournment was sought and therefore, the
case was posted to 03.08.2016 finally. Today also when the
matter was taken up for hearing, the learned counsel for the
petitioner sought adjournment.

4. The learned Additional Public Prosecutor submitted that the trial in S.C.No.31 of 2016, pending on the file of the Chief Judicial Magistrate, Ariyalur, is being protracted by the accused, on the ground that this quash petition is pending.

5. Hence, this Court perused the final report in S.C.No.31 of 2016. On the complaint lodged by Durai Palanisamy, the respondent Police registered a case in Crime No.165 of 2010, and after completing the investigation, has filed the final report for the offences under Sections 364(A), 307, 307, r/w 34 IPC before the jurisdictional Magistrate. The jurisdictional Magistrate committed the case to the Court of Sessions and now the case is pending in S.C.No.31 of 2016 on the file of the Chief Judicial Magistrate, Ariyalur. The de facto complainant's brother Amaramurthy was a MLA. Manikandan (A1) was a car driver. Amaramurthy, MLA, had scolded Manikandan (A1) and had dismissed him from service. In order to wreck vengeance, on 11.06.2010, Manikandan and co-accused had kidnapped the fourteen year old son of the de facto complainant when he was returning from school, and on 12.06.2010, they had demanded a ransom of Rs.50,00,000/- from the de facto complainant. The kidnapped boy was kept in a Innova Car, and by the accused he was taken to various places. The accused had parked the car near a hotel and the boy made a hue and cry from the car, which was noticed by the passer-by and the boy was rescued. At that time, the accused attempted to murder the boy by strangulating him.

6. On a reading of 161 statement and other documents, there are sufficient materials for the trial to proceed against the accused.

7. In the result, this petition is devoid of merits and accordingly dismissed. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To:

1. The Inspector of Police, Thirumanur Police Station
Ariyalur District.

2. The Chief Judicial Magistrate, Ariyalur.

3. The Public Prosecutor, High Court, Madras.

mp1 (co)
prk24/8

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