

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

Crl.R.C.No.1453 of 2016

and

Crl.M.P.Nos.12625 and 12626 of 2016

R.Pon Manikandan
S/o.Ramadass

.. Petitioner/Sole Accused

Vs.

State represented by
Inspector of Police,
B-2 Vishnu Kanchi Police Station,
Kanchipuram District.
Crime No.245 of 2014

.. Respondent /Complainant

Criminal Revision filed under Section 397 and 401 Cr.P.C.
against the order of learned Judicial Magistrate I, Kanchipuram,
passed in Crl.M.P.No.2119 of 2016 in C.C.No.54 of 2016 on
01.11.2016.

For Petitioner : Mr.R.John Sathyan

For Respondent : Mr.K.Madhan

Government Advocate [Crl.side]

O R D E R

This revision challenges the order of learned Judicial
Magistrate I, Kanchipuram, passed in Crl.M.P.No.2119 of 2016 in
C.C.No.54 of 2016 on 01.11.2016.

2. The case in C.C.No.54 of 2016 on the file of learned
Judicial Magistrate I, Kanchipuram, is being tried for offences
u/s.279 and 304-A IPC. The prosecution case is that on
25.03.2014 at about 10.00 a.m., while the deceased was riding
his motorcycle, the petitioner/accused drove his motorcycle
bearing registration No.TN-21-F-3300, in a rash and negligent
manner and hit the deceased's motor cycle owing to which the
deceased suffered grave injuries and despite treatment, died.
Petitioner/accused had sought discharge and on realisation that
petition for discharge would not lie in respect of cases triable
under summary procedure, had sought modification of petition to

one u/s.258 Cr.P.C. Court below, under the impugned order, has dismissed the petition seeking exercise of powers of stoppage of proceedings u/s.258 Cr.P.C. Hence, this revision.

3. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

4. Learned counsel for petitioner submits that there absolutely is no material to connect the petitioner with the occurrence wherein in a collusion between two motorcycles, one person died. Petitioner stands arrayed as an accused merely since the Motorcycle Inspector's Report informs the name of this petitioner as the rider of the offending vehicle. Two eye witnesses to the occurrence have only informed the number of the vehicle involved in the accident and had not identified the petitioner as the rider. Even the owner of the vehicle has not been examined. In the said circumstances, the Court below, despite admitting the position that there was nothing to connect this petitioner with the occurrence, has observed as follows:

"Thus, a link in the chain of events is missing. How the accused was identified to be rider of the bike that caused the accident, is not known.

But, this is merely an irregularity that can be cured. The police has some how arrived at a conclusion that the accused was the rider. Also it can be seen that there are 2 eye-witnesses to the occurrence, one of them runs a rickshaw and has a spot on the rickshaw stand near the scene of crime and another is a Manager of Rajan Auto Agencies Honda Showroom. Hence, if the accused was indeed the rider, then there is a chance that he will be identified by the eye-witnesses."

5. Heard learned Government Advocate [Crl.side] on the above submissions, who fairly submits that no direct link between the petitioner and the occurrence alleged in the case is made out.

6. As observed in decision of the Bombay High Court in State of Maharashtra v. Ram [2007 Cri LJ 827] 'it is implicit that (when) it is brought to the notice of the Magistrate at any stage of the proceedings, that there is no evidence or that the charge is groundless, he may forthwith stop the proceedings and acquit the accused.'

7. This Court is of the view that stoppage of proceedings in exercise of powers u/s.258 Cr.P.C. is justified in the facts of this case.

The Criminal Revision shall stand allowed. The order of learned Judicial Magistrate I, Kanchipuram, passed in CrI.M.P.No.2119 of 2016 in C.C.No.54 of 2016 on 01.11.2016, shall stand set aside. Petitioner/accused shall stand discharged of all charges. Connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate I,
Kanchipuram.
 2. The Inspector of Police,
B-2 Vishnu Kanchi Police Station,
Kanchipuram District.
 3. The Public Prosecutor,
High Court, Chennai.
- +1 CC to Mr. R. John Sathyan, Advocate sr 71337

CrI.R.C.No.1453 of 2016
and
CrI.M.P.Nos.12625 and 12626 of 2016

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