

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.16369 of 2016

&

CrI.M.P. No.7952 of 2016

N. Murugesan

..Petitioner

Vs

State represented by
the Inspector of Police
P. Punjampatti Police Station
Erode District

.. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C., to set aside the order passed by the Judicial Magistrate at Sathyamangalam in C.M.P. No.2006/2015 in C.C. No.156/2010 dated 13.04.2016.

For petitioner : Mr. S. Parthasarathy

For respondent : Mr. C. Emalias

Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed to set aside the order dated 13.04.2016 passed by the Judicial Magistrate, Sathyamangalam in C.M.P. No.2006 of 2015 in C.C. No.156/2010.

2 Heard the learned counsel on either side.

3 On 29.07.2016, this Court passed the following order:

"It is seen that this petition is facing prosecution in C.C. No.156 of 2010 and during trial, the prosecution filed a petition under Section 311, Cr.P.C. to examine one Dr. K. Aravindh, who is said to have given treatment to the victim. Learned Judicial Magistrate, Sathyamangalam has allowed the petition on 13.04.2016 without passing a reasoned order.

Registry is directed to immediately call for remarks from the learned Judicial Magistrate, Sathyamangalam, whether he has passed any detailed order in C.M.P. No.2006 of 2015 in C.C. No.156 of 2010

on 13.04.2016 and if so, a copy of the order may be sent by a special messenger to this Court.

Post for orders on 18.08.2016 at 2.15 p.m."

4 Pursuant to the aforesaid order passed by this Court, the Judicial Magistrate, Sathyamangalam, has sent a report dated 11.08.2016, wherein, he has stated that a detailed order has been passed in C.M.P. No.2006/2015 on 13.04.2016 and a copy of the said order is also sent along with the report.

5 On a reading of the order passed by the Trial Court, it is seen that examination of Dr. K. Aravindh is just and necessary in the facts and circumstances of the case, since he is an essential witness.

In the result, this Criminal Original Petition is dismissed. Connected Crl.M.P. is closed.

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

cad

To

1 The Inspector of Police
P. Punjampatti Police Station
Erode District

2 The Chief Judicial Magistrate,
Sathyamangalam, Erode

3 The Judicial Magistrate
Sathyamangalam

4 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1 CC M/s. S. Parthasarathy, Advocate, Sr.No.47206

Crl.O.P. No.16369 of 2016

CTK (CO)

MD : 07/09/2016