

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.27130 of 2015

N.Vibhshnan ... Petitioner/ Defacto complainant

Vs

State rep. by
The Inspector of Police,
Veeraganur Police Station. Respondent/Complainant

1. Chinnasamy
2. Suresh
3. Krishnan
4. Saravanan
5. Arunachalam
6. Chinnasamy
7. Manikandan
8. Raja
9. Rajendran
- 10.A.Ramamurthi
- 11.V.Pichainathan
- 12.Sellamuthu

.... Respondents/Accused 1 to 9/
Proposed respondents 10 to 12

Criminal Original Petition filed under Section 482 Cr.P.C to call for the records in pursuant to the order dated 15.07.2015 made in Crl. Miscellaneous Petition No.321 of 2013 on the file of the Assistant Sessions Judge, Aathur and set aside the same.

For Petitioner : Mr.T.P.Prabakaran

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

O R D E R

This petition has been filed to call for the records in pursuant to the order dated 15.07.2015 made in Crl.M.P.No.321 of 2013 on the file of the Assistant Sessions Judge, Aathur and set aside the same.

2. The petitioner was working as Village Administrative Officer. During his period of service, the petitioner intercepted two tractors bearing Registration Nos.TN 45 6265 and TN-48 9572 which were used for illegal sand quarrying in Swetha River. Hence the petitioner lodged a complaint before the Inspector of Police, Veeraganur Police Station. On the basis of the said complaint, a case was registered in Crime No.218 of 2007 and the respondents 1 to 9 were arrayed as accused. The Inspector of Police, on completion of investigation filed a final report in this case and the case is pending before the Assistant Sessions Judge, Aathur in S.C.No.295 of 2015. Before the commencement of trial, the petitioner filed C.M.P. No.321 of 2013 to implead the proposed respondents 10 to 12 as accused. The proposed accused No.10 is the owner of the Tractor TN-45-6265, the proposed accused No.11 is the erstwhile owner of the Tractor TN-45-9572 and the proposed accused No.12 is the present owner of the said tractor. According to the petitioner, only at the instigation of the proposed respondents 10 and 11, the entire offence was committed by the respondents 1 to 9. But the trial Court has dismissed the petition mainly on the ground that the petitioner has not mentioned the provision of law and also that petitioner counsel has not issued any notice to the Government Side and did not obtain any permission for filing the petition. Aggrieved by the said order, the petitioner has come forward with the present petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent.

4. It is submitted by the learned Additional Public Prosecutor submitted that the petitioner filed the petition even before commencement of trial and hence the trial Court has rightly dismissed the petition. During the course of the trial, if the trial Court comes to the conclusion that the proposed respondents 10 to 12 have to be impleaded as accused, the trial Court can always pass necessary orders in that regard.

5. As rightly pointed out by the learned Additional Public Prosecutor, after commencement of trial, it is always open to the trial Court to implead the proposed respondents under section 319 Cr.P.C. Therefore, I do not find any infirmity in the order passed by the trial court. Hence, the Criminal Original Petition is liable to be dismissed.

6. In fine, the Criminal Original Petition is dismissed.
vrc

s/d-

Assistant Registrar(CS-V)

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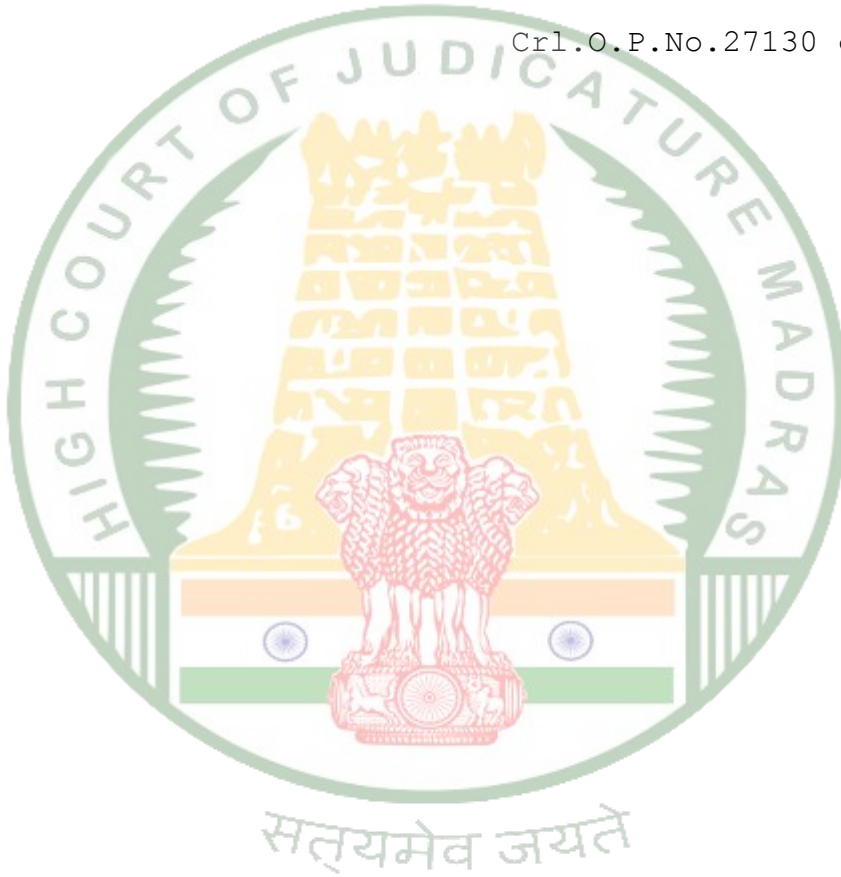
Sub-Assistant Registrar

To

1. The Assistant Sessions Judge,
Attur, Salem District.
2. The Inspector of Police,
Veeraganur Police Station.
3. The Public Prosecutor,
High Court, Madras.

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prk20/1

Cr1.O.P.No.27130 of 2015



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