

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19051 of 2016

1. P.Venkatesan

2. S.Bharathi @ Bharathidhasan ..Petitioners/Accused 1 & 2

Vs

State Rep.by
The Sub-Inspector of Police,
Mannargudi Town Police Station,
Mannargudi, Thiruvarur District...Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.103 of 2014 pending on the file of the Learned Judicial Magistrate No.1, Mannargudi, Thiruvarur District and quash the same.

For Petitioners : Mr.C.D.Johnson

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.103 of 2014 pending on the file of the Judicial Magistrate Court No.1, Mannargudi, Thiruvarur District.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. Today, when the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the trial in C.C.No.103 of 2014 has commenced and around five witnesses have been examined by the Judicial Magistrate-I, Mannargudi and the case is posted for the examination of the Investigating Officer.

4. Mr.C.D.Johnson, learned counsel for the petitioners submitted that in respect of the cross case in Cr.No.1374 of 2013, the police have not filed any final report and therefore, the present case should be stayed.

5. The learned Additional Public Prosecutor submitted that in the cross case, the police had made ready the closure report as early as 19.12.2013, whereas in the trial court, the Magistrate has closed the cross case on 24.07.2015. When the trial began in C.C.No.103 of 2014, the accused very well knew about the FIR that was given by them in Cr.No.1374 of 2013. Yet, they did not take any step for filing protest the application before the Court nor filed a private complaint against the opposite party before the trial court.

6. It is not proper on the part of the accused to complain before this Court after five witnesses have been examined that the trial in this case should be stayed pending decision in Cr.No.1374 of 2013.

7. Under such circumstances, the petition is dismissed as being devoid of merits.

-s/d-

Assistant Registrar

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Sub-Assistant Registrar

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To

1.The Sub-Inspector of Police,
Mannargudi Town Police Station,
Mannargudi, Thiruvarur District.

2. Judicial Magistrate Court No.1,
Mannargudi, Thiruvarur District

3. The Public Prosecutor,
High Court, Madras.

Cr1.OP No.19051 of 2016

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