

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.20572 of 2016

and

MP.Nos.9589 & 9590 of 2016

Raja @ Katturaja ... Petitioner

Vs

State rep. by its
The Inspector of Police
Tiruvannamalai East Police Station
Tiruvannamalai District. ...Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the charge sheet filed in S.C.No.112 of 2015 on the file of the Learned Principal District and Sessions Court, Tiruvannamalai which was committed from the Judicial Magistrate II, Tiruvannamalai in PRC No.15 of 2015 in Crime No.78 of 2015 on the file of the respondent.

For Petitioner : Mr.S.Kumaradevan
For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to call for the records relating to the charge sheet filed in S.C.No.112 of 2015 on the file of the Principal District and Sessions Court, Tiruvannamalai which was committed from the Judicial Magistrate Court No.II, Tiruvannamalai in PRC No.15 of 2015 in Crime No.78 of 2015 on the file of the respondent.

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

3. On the complaint lodged by one Selvaraj, the respondent police registered a case in Crime No.78 of 2015 and after completion of the investigation, filed a final report which is now pending in SC No.112 of 2015 before the Principal District and Sessions Court, Tiruvannamalai for offences under Sections 294(b), 307 and 506(ii) IPC against the petitioner, challenging which, the petitioner is before this Court.

4. On a reading of the final report, it is seen that this petitioner was suspected in involvement of the murder of the brother of Selvaraj, the de facto complainant. When Selvaraj saw this petitioner in the market place near bus stand, he questioned this petitioner and on account of that, the petitioner attempted to attack Selvaraj with a knife on 14.02.2015 and fortunately, Selvaraj did not sustain any injury. When the public tried to apprehend the petitioner, he threatened them and ran away.

5. Learned counsel appearing for the petitioner submitted that this is a clear cooked up case in order to detain the petitioner under the Goondas Act. He also submitted that Selvaraj, de facto complainant suffered no injury and therefore, Section 304 IPC cannot be made out.

6. In the considered opinion of this Court, sustaining injuries is not a condition precedent for bringing a charge under Section 307 IPC. Since, there are prima facie materials in the final report against the petitioner, this is not a fit case to quash the prosecution.

7. Hence, this petition is dismissed with liberty to the petitioner to raise all the points before the trial Court. The Trial Court is directed to complete the trial in SC No.112 of 2015 within a period of six months from the date of receipt of a copy of this order, provided, the petitioner cooperates in trial by cross examining the witnesses on the same day they are examined-in-chief, as held by the Supreme Court in Vinoth Kumar v. State of Punjab [2015(1) MLJ (Cr1) 288].

Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Inspector of Police
Tiruvannamalai East Police Station
Tiruvannamalai District.

2. The Principal District and Sessions Court,
Tiruvannamalai.

3. The Public Prosecutor, High Court, Madras.

4. The Judicial Magistrate No.II, Tiruvannamalai
+1 CC to Mr. S.Kumaradevan, Advocate SR.No.52321

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LRS (CO)
MD : 17/10/2016



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