

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.22059 of 2016 and
CRL MP No.10234 of 2016

M.Chan Basha .. Petitioner
Vs

1. State by
The Inspector of Police
Kavindapady Police Station
Erode District.

2. G.Ravishankar ..
Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in STC.2014/2015 on the file of the JUDICIAL MAGISTRATE-II, GOBICHETTIPALAYAM dated 05.12.2015 and to quash the same.

For Petitioner : Mr.R.Marudhachalamurthy

For R1 : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition has been filed to call for the records and quash S.T.C.No.2014 of 2015 pending on the file of the Judicial Magistrate Court No.-II, Gobichettipalayam.

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

3. On the complaint lodged by one G.Ravishankar, the second respondent herein, the first respondent police registered a case in Cr.No.387 of 2015 on 14.10.2015 for the offences u/s 279 and 337 IPC against the petitioner herein and after completing the investigation, have filed a final report in S.T.C.No.2014 of 2015 before Judicial Magistrate No.II, Gobichettipalayam, challenging which the petitioner is before this Court.

4. It is the case of the prosecution that on 14.10.2015 at 9.10 a.m., the de facto complainant G. Ravishankar saw a Honda Activa vehicle bearing registration

no.TN33 AE 3253 coming from West to East in high speed and at that time, it dashed against the driver of Apache Motorcycle coming in the right direction due to which, the driver of the Apache motorcycle sustained serious injuries.

5. It is seen that the name of the driver is one Paramasivam, who was on the wheels in the Apache Motorcycle. Admittedly, both Paramasivam and petitioner were taken to the hospital in an ambulance, where they were treated by Dr.Deepika.

6. Mr.R.Marudhachalamurthy, learned counsel for the petitioner would contend that in respect of the same incident, a representation has been given on behalf of the petitioner by one Ravishankar, claiming to be an eye witness, according to which, the offending vehicle was that of Paramasivam and not that of the petitioner. The learned counsel for the petitioner further submitted that this was not taken into consideration by the police.

7. In the considered opinion of this Court, the police have conducted investigation under Chapter XII by examining the relevant witnesses based on the complaint of the injured. In the statement given by Dr.Deepika, she has clearly stated that she gave treatment to Paramasivam and Paramasivam explained the way in which of the accident had taken place. The rough sketch also shows that the petitioner had come in the wrong direction and dashed against Paramasivam's vehicle. Since there are prima facie materials in the final report, the defence of the petitioner/accused cannot be considered, at this juncture.

8. Under such circumstances, the Criminal Original Petition is dismissed with liberty to the petitioner to raise these aspects before the trial Court. The trial court is directed to complete the trial in S.T.C.No.2014 of 2015 within a period of six months from the date of receipt of a copy of this order on condition that the petitioner shall cooperate in the trial and the trial Court shall ensure that the accused cross-examines the witnesses on the same day they are examined-in-chief as directed by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to remand him to custody in terms of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambunath Singh [JT 2001 (4) SC 319]. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
Kavindapady Police Station
Erode District.
2. The Judicial Magistrate,
Crime No.II, Gopichettipalayam.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc o Mr.R. Marudhachalamurthy, Advocate SR.56163

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LRS (CO)
EU 19.10.16



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