

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.22415 of 2016 and

CMP No.10419 and 10420 of 2016

Syed Meeran

.. Petitioner

Vs

State by

The Inspector of Police,
Crime Branch,
R-9, Valasaravakkam Police Station,
Chennai - 600 087.
(Crime No.874/14)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the Final Report in C.C.No.28 of 2015 pending on the file of Judicial Magistrate-I, Poonamallee and quash the same.

For Petitioner : Mr.A.Mohamed Ismail

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

ORDER

This petition has been filed to call for the records pertaining to the Final Report in C.C.No.28 of 2015 pending on the file of the Judicial Magistrate Court No.-I, Poonamallee.

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

3. On the complaint lodged by one Ramanathan, that his two wheeler Honda Unicorn motor bike bearing Registration No.TN10 AL 9985 has been stolen, the respondent police registered a case in Cr.No.874 of 2014 on 27.06.2014 for the offence u/s 379 IPC.

4. During the course of investigation, the police arrested the petitioner and 2 others. Pursuant to the confession, recovery of the motor cycle was effected. The respondent police completed the investigation and has now filed a final report before the Judicial Magistrate Court No.-I, Poonamallee, challenging which, the petitioner/first accused is before this Court.

5. The learned counsel for the petitioner made a plea, that the police are foisting false cases against the petitioner very frequently and this is also a foisted case.

6. Per contra, learned Additional Public Prosecutor refuted the allegations.

7. In this case, learned counsel for the petitioner also submitted that except the confession, there are no other materials against the petitioner.

8. This Court gave its anxious consideration to the rival submissions.

9. In this case, the petitioner and other accused were arrested and pursuant to the confession, there has been recovery of the motor cycle. In a case of the nature, apart from that, there may not be any other evidence to fasten criminal liability, because, theft is committed without the knowledge of the victim.

10. Since there are prima facie materials for the trial to proceed, this is not a fit case to quash the prosecution.

11. The learned Additional Public Prosecutor submitted that the petitioner is not appearing before the Trial Court, whereas, the learned counsel for the petitioner refuted this allegation.

12. Be that as it may, the petitioner is directed to co-operate in the trial by appearing before the Trial Court and the trial Court shall ensure that the petitioner 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].

13. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. It is made clear that the Trial Court shall not, in any way, be influenced by the observations made herein. If the petitioner absconds, a fresh F.I.R. u/s 229-A IPC should be registered against him.

With the above directions, the Criminal Original Petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Crime Branch,
R-9, Valasaravakkam Police Station,
Chennai - 600 087.

2. The Public Prosecutor,
High Court, Madras.

3 The Judicial Magistrate No.1,
Poonamallee.

Crl.OP No.22415 of 2016 and
CMP No.10419 and 10420 of 2016

SDR 12.11.2016

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