

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.22430 of 2016 and

CMP Nos.10426 and 10427 of 2016

1. Jayaraman
2. Ambedkar

.. Petitioners

Vs

State by
The Inspector of Police,
Cheyyur Police Station,
Cheyyur.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.2 of 2016 pending on the file of Judicial Magistrate, Maduranthakam and quash the same.

For Petitioners : Mr.A.M.Ayyadurai

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

ORDER

This petition has been filed to call for the records in C.C.No.2 of 2016 pending on the file of the Judicial Magistrate Court, Maduranthakam.

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

3. It is seen that on the complaint lodged by one Rajan, the Village Administrative Officer, Periya Venmani Village, Maduranthakam Taluk, the respondent Police registered a case in Cr.No.411 of 2015 on 02.10.2015 and after completing the investigation, have filed a final report in C.C.No.2 of 2015 before the Judicial Magistrate, Maduranthakam for the offences

u/s 294(b), 353 and 506(i) r/w Section 34 IPC.

4. It is the specific case of the prosecution that Dhanalakshmi, the first petitioner's wife filed WP No.24351 of 2015 before this Court, pursuant to which, on the orders of this Court, revenue officials came to the petitioner's land for measurement.

5. At that time, it is alleged that on 11.10.2015, when the revenue officials came to measure the land, the first petitioner, being the local panchayat President, had abused the revenue officials and prevented them from complying with the orders of this Court.

6. The learned counsel for the petitioners submitted that this case has been foisted on the petitioners inasmuch as having filed a writ petition, there is no way, by which the petitioners would have prevented the revenue officials from complying with the orders of this Court and there is no reason for the petitioners to prevent the revenue Authorities from discharging their duty.

7. On a reading of the final report and 161 statements, since there are prima facie materials against the petitioners for the trial to proceed, this is not a fit case to quash the prosecution.

8. However, it is submitted that the second petitioner is a student and his presence may be dispensed with as he is going to college.

9. Taking into consideration the rival submissions, if the petitioners have not been released on bail, then they are directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, they shall be released on they executing bond for Rs.5000/- each (Rupees Five Thousand only) without sureties u/s 88 Cr.P.C. Thereafter, the presence of A2 before the Trial Court shall be dispensed with on condition that he shall be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. The accused shall file an affidavit of undertaking before the Trial Court that he will not dispute his identity and that his counsel will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar Vs. State of Punjab, 2015 (1) MLJ (Crl.) 288. If the petitioners adopt any dilatory tactics, it is open to the trial Court to remand them to custody in terms of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambhu Nath Singh [JT 2001 (4) SC 319]. If

the petitioners abscond, a fresh FIR should be registered against them u/s 229-A IPC.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmi

To

1.The Inspector of Police,
Cheyyur Police Station,
Cheyyur.

2. The Public Prosecutor,
High Court, Madras.

pvs (CO)
md(3/11/2016)

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