

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.7425 of 2016

And

Crl.M.P.Nos.3897 and 3898 of 2016

1.N.Ravichandran
2.Ramnath
3.A.Marimuthu

... Petitioners/A 3,4 & 6

Vs.

1.The State of Tamilnadu
Rep. by The Sub-Inspector of Police,
District Crime Branch,
Coimbatore District.
[Crime No.13/2001]

...1st Respondent/
Complainant

2.P.Elango

...2nd Respondent/
Defacto Complainant

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the charge sheet in C.C.No.193 of 2007 pending on the file of Judicial Magistrate II, Tiruppur.

For Petitioners : Mr.S.Sithirai Anandam
For Respondents : Mr.C.Emalias for R1
Additional Public Prosecutor
Mr.K.Magesh for R2

ORDER

The petitioners who are the accused 3, 4 and 6 in C.C.No.193 of 2007 have come forward with this petition seeking to call for the records and to quash the charge sheet in C.C.No.193 of 2007 pending on the file of the learned Judicial Magistrate II, Tiruppur.

2.Heard the submissions of the learned counsel appearing on either side.

3.The learned counsel appearing for the petitioners would submit that F.I.R. has been registered against these petitioners and other accused on 21.12.2001 for the offence punishable under Sections 120(b), 406 and 109 of I.P.C., but the charge sheet has been levelled against these petitioners only on 11.04.2007 after six years. The major punishment for the offence punishable under Section 120(b) of I.P.C. is two years. The major punishment for the offence punishable under Section 406 of I.P.C. is three years. The major punishment for the offence punishable under Section 424 of I.P.C. is two years, extended upto two years or with fine. As per Section 468 of Cr.P.C., charge sheet ought to have filed within three years from the date of registration of the case, but the charge sheet has been levied only after five years. So, it is clearly barred by time. Hence, he prays to quash the charge sheet in C.C.No.193 of 2007.

4.This Court vide order dated 21.04.2016 has called for report from the learned Judicial Magistrate - II, Tiruppur. Accordingly, the report was received from the learned Judicial Magistrate - II, Tiruppur. In the report received from the learned Judicial Magistrate - II, Tiruppur it was specifically mentioned that the charge sheet was filed and taken on file on 18.08.2007. Perusal of record shows that no petition has been filed for condonation of delay for filing of charge sheet or for seeking extension of time for filing charge sheet. So, the learned Judicial Magistrate - II, Tiruppur has committed error in taking the charge sheet on file as it is barred by time as per Section 468 of Cr.P.C.

5.Though the second respondent entered appearance, he did not file counter. But, it is only the question of Law and fact whether charge sheet is filed within the time as per Section 468 of Cr.P.C. is to be considered. The report received from the learned Judicial Magistrate - II, Tiruppur itself shows that charge sheet has not been filed within the time and it was filed only after five years. So, it is hit by Section 468 of Cr.P.C. Hence, the entire proceedings in C.C.No.193 of 2007 is hereby quashed not only against these petitioners but against all the accused.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate No. II
Tiruppur

2. The Sub-Inspector of Police,
District Crime Branch,
Coimbatore District.
[Crime No. 13/2001]

3. The Public Prosecutor
High Court, Madras.

+1 cc to Mr. K. Magesh, Advocate sr. 27643/16

+1 cc to Mr. S. Sithirai Anandam, Advocate SR 6631

+1 cc to Mr. S. Sithirai Anandam, Advocate, sr. 27707 (17.06.2016)

सत्यमेव जयते

CrI.O.P.No.7425 of 2016

And

CrI.M.P.Nos.3897 and

3898 of 2016

sv (co)
aa17/05/2016

WEB COPY