



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirteenth day of April Two Thousand Sixteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

WEB COPY

CRL MP(MD) No.3020 of 2016

IN

CRL OP(MD)No.12484 of 2008

THE REP.BY
THE INSPECTOR OF POLICE
ECONOMIC OFFENCE WING,
MADURAI DISTRICT,
MADURAI.

... PETITIONER/RESPONDENT/RESPONDENT

Vs

JAGADEESAN

... RESPONDENT/PETITIONER/ACCUSED NO.2

PRAYER IN CRL MP(MD) No.3020 of 2016

Petition filed under section 482 of Cr.P.c., praying this Court to recall the order passed by this Hon'ble Court in Crl.OP(MD)No.12484 of 2008, dated 12.06.2015.

PRAYER IN CRL.OP(MD)No.12484 of 2008:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the C.C.No.66 of 2005 on the file of the learned Judicial Magistrate No.III, Madurai and quash the proceedings as against the petitioner.

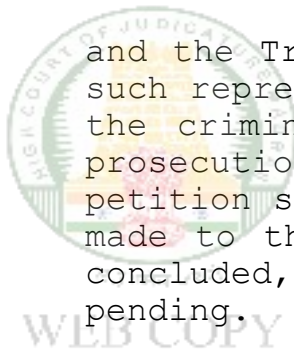
Order : This petition is coming on for hearing on this day, upon perusing the petition filed in support thereof and earlier order of this Court and upon hearing the arguments of MRS.S.PRABHA, Government Advocate on behalf of the petitioner and of MR.K.SAMIDURAI, Advocate for the Respondent this court made the following order:-

The respondent State in Crl.O.P.(MD) No.12484 of 2008 has filed this criminal miscellaneous petition to recall the Order, dated 12.06.2015, passed by this Court in Crl.O.P.(MD) No.12484 of 2008.

2. Heard the learned Government Advocate (Criminal Side) appearing for the petitioner / State and Mr.K.Samidurai learned counsel appearing for the respondent / petitioner.

3. The respondent / petitioner filed Crl.O.P.(MD) No.12484 of 2008 seeking quashment of the proceedings, in C.C.No.66 of 2005, on the file of the learned Judicial Magistrate No.III, Madurai.

4. On 12.06.2015, when the criminal original petition came up for hearing, it was represented on behalf of the petitioner / respondent that the trial in C.C.No.66 of 2005 had been concluded



and the Trial Court had acquitted the accused. On the strength of such representation, this Court by Order dated 12.06.2015, dismissed the criminal original petition as infructuous. Subsequently, the prosecution realized the mistake and filed this miscellaneous petition stating that on 12.06.2015, an erroneous representation was made to the effect that the trial, in C.C.No.66 of 2005, had been concluded, on the contrary the trial in the said case is still pending.

5. M.Seelaikkari, Inspector of Police, Commercial Crime Investigation Wing, Madurai District, in Paragraph Nos.6 and 7 of the accompanying affidavit has stated as follows:

"6. I humbly submit that in this matter, the respondent / accused No.2 showed the Inspector of Police, Economic Offences Wing, Madurai District as respondent instead of the Inspector of Police, Commercial Crime Investigation, Madurai District, Later on clarification, the then Inspector of Police, Commercial Crime Investigation Wing, Madurai District, received the radio message from the public Prosecutor's office, Madras High Court, Madurai Bench and on intimation the then Inspector of Police gave instruction to the public prosecutor Unfortunately, by over sighted, the Learned Government Advocate represented the in this case the accused. Person was acquitted by the trial court. But actually the case is Pending trial before the Learned Judicial Magistrate No.3, Madurai. And on the basis of the representation of the Government Advocate this Hon'ble Court closed the quash petition as anfractuious.

7.I humbly submit that the mistake committed is neither willfull nor wanton only due to above said bonafide reason, now the case is pending trial before the Learned Judicial Magistrate No.3, Madurai. In the order, dated 12.06.2015 is recalled and disposed of on merits; no prejudice would be caused to the respondent."

6. In view of the above, this criminal miscellaneous petition is allowed and the Order dated 12.06.2015 in CrI.O.P.(MD) No.12484 of 2008 is hereby recalled and the CrI.O.P.(MD) No.12484 of 2008 is restored on file.

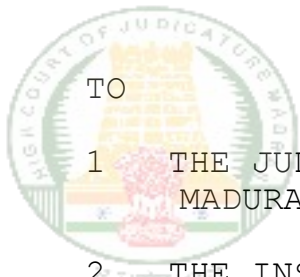
7. Post the CrI.O.P.(MD) No.12484 of 2008 on 27.04.2016.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.



TO

- 1 THE JUDICIAL MAGISTRATE NO.III
MADURAI.
- 2 THE INSEPECTOR OF POLICE
ECONOMIC OFFENCE WING MADURAI DISTRICT,
MADURAI.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION(RECORD)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER DATE:13.04.2016

HEARING DATE:27.04.2016

ORDER

CRL MP(MD) No.3020 of 2016
IN CRL OP(MD)No.12484 of 2008

Giving directions etc., as stated within.

RG.JGB-DP/SAR-I 21.04.2016 2P.5C