



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.02.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. (MD)No.1959 of 2016
and
Cr1.M.P. (MD)Nos.1005 and 1006 of 2016

Kutty ..Petitioner/Accused No.3

Vs

1.The State represented by
The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.
(Crime NO.636 of 2015) .. 1st Respondent/Complainant

2.Jeyachitra .. 2nd Respondent/Defacto complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in pertaining to the proceedings in C.C.No.214 of 2015 on the file of the Judicial Magistrate No.I, Kovilpatti and quash the same as against the petitioner.

For Petitioner :Mr.T.A.Ebenezer

For Respondents :Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor
for R.1

O R D E R

This petition has been filed to call for the records in pertaining to the proceedings in C.C.No.214 of 2015 on the file of the Judicial Magistrate No.I, Kovilpatti and quash the same as against the petitioner.

2. Heard Mr.T.A.Ebenezer, learned Counsel appearing for the petitioner and Mr.C.Mayil Vahana Rajendran, learned Additional Public Prosecutor appearing for the State.

3. It is seen that the petitioner is placing a plea of alibi and submitted that at the time of incident, he was never present in the scene of occurrence.

4. Alibi is an importance defence for the accused and is relevant under Section 117 of the Indian Evidence Act. However, the same cannot be looked into in a quash application. Hence,



this Criminal Original Petition is closed, with liberty to the petitioner to raise this point before the trial Court during the trial. Consequently, the connected Miscellaneous Petitions are also closed.

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/True copy/

Sd/-

Assistant Registrar(AE)

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

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To

1. The Judicial Magistrate Court No.I, Kovilpatti.
2. Do thro'The Chief Judicial Magistrate, Tuticorin.
- 3.The Inspector of Police,
Kovilpatti East Police Station,
Tuticorin District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.T.A.Ebenezer, Advocate, SR No.7242

Cr1.O.P.(MD)No. 1959 of 2016
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RG.SK-SKN 12.02.2016 2P:6C