



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

CORAM

WEB COPY

THE HONOURABLE **MR. JUSTICE K.KALYANASUNDARAM**

Crl.O.P(MD)No.20166 of 2016

Annal

.. Petitioner

vs.

1.Ebanesar

2.Kannan

3.Mahendran

4.Kannan @ Mahalingam

5.State represented by

The Inspector of Police,

Kalakkad Police Station,

Tirunelveli District.

(Crime No.114 of 2004)

.. Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the written endorsement made by the learned III-Additional District Judge, Tirunelveli in un-numbered Cr.M.P. in S.C.No.206 of 2004 filed under Section 319 of Cr.P.C. on 06.10.2016 and consequently direct the learned III-Additional District Judge, Tirunelveli to take on file the said petition.

For Petitioner : Mr.N.Roby

For R5

: Mr.K.Anbarasan

Government Advocate(Crl. Side)

O R D E R

This petition is filed to set aside the endorsement made by the learned III-Additional District Judge, Tirunelveli in un-numbered Cr.M.P. /2016 in S.C.No.206 of 2004 filed on 14.09.2016.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the fifth respondent and perused the records.

3. Mr.N.Roby, learned counsel for the petitioner would submit that the petitioner is the wife of the deceased and she filed an application under Section 399 of Cr.P.C., to implead the fourth respondent as the fourth accused and the application was



returned, questioning the maintainability. The learned counsel would further submit that the office has returned the papers on 19.09.2016 and it was represented after compliance on 03.10.2016 and for the same reason, it was again returned on 06.10.2016.

4. It is seen from the records that one of the returns is that the maintainability of the application after disposal of the cases in CrI.O.P.(MD).Nos.13287 and 13411 of 2007 and other return is with regard to the age and address of the 4th accused. On 03.10.2016, the petitioner has represented the same stating that even after the disposal of the above CrI.O.Ps., this petition is maintainable and he has furnished the age of the 4th accused with available proof, along with a copy to be served to the 4th accused. Despite the same, it was again returned on 06.10.2016 for the same reason.

5. In view of the above facts, the learned III-Additional District and Sessions Judge, Tirunelveli is directed to number the petition and decide the same on merits and in accordance with law.

6. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CSII)

/True Copy/

Sub Assistant Registrar

PJL

To

1.The Inspector of Police,
Kalakkad Police Station,
Tirunelveli District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

THE SECTION OFFICER, V.R.SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1cc to Mr.M.MASUTTUALI Advocate Sr.No. 62724

JAM/04.11.16/DB /2-5C