



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition (MD) No.4095 of 2016 &
Crl.M.P.(MD).No.2072 and 2073 of 2016

1.Jahir Hussain
2.Sajuman @ Ahamad Saju
3.Rajendran
4.Gubendran ... Petitioners

vs.

1.The State Rep. by the
The Inspector of Police,
Theppakulam Police Station,
Madurai District. ... Respondent No.1/Complainant
(Crime No.1303/2011)

2.Jeya.Vetriselvan ...Respondent No.2/
Defacto complainant

3.Ramani
The Inspector of Police,
Theppakulam Police Station,
Madurai District. ... Respondent No.3

PRAYER: This petition is filed under Section 482 Cr.P.C to call for the entire records connected with the proceedings in C.C.No.243 of 2013 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same as against the petitioners as illegal.

For Petitioners : Mr.R.Alagumani
For Respondent : Ms.S.Prabha, G.A.(Crl.Side) for R1

O R D E R

This petition is filed to quash the proceedings in C.C.No.243 of 2013 on the file of the learned Judicial Magistrate No.I, Madurai.

2. Heard Mr.R.Alagumani, learned counsel appearing for the
<https://hcservices.com/orig/hcservices/>

3. On reading of the final report, it is seen that these



petitioners were selling pornographic CDs and newly released films. There is also recovery of CDs and machines used for making CDs.

4. Learned counsel for the petitioners submitted that the petitioners/accused have filed prosecution against the Police officials, which is pending and therefore, they foisted a false case against the petitioners.

5. In the considered opinion of this Court, the submissions of the learned counsel for the petitioners are not a good reason to quash the prosecution against the petitioners. There is no merit in the case. The Trial Court is directed to complete the trial, within a period of 6 months from the date of receipt of a copy of this order. The Trial Court need not wait for the outcome of the prosecution said to have been initiated by the petitioners against the police officials. If the petitioners do not cooperate with the trial, it is open to the Magistrate concerned to remand them into judicial custody under Section 309 Cr.P.C. The criminal original petition is dismissed with the above direction.

6. At this juncture, learned counsel for the petitioners submits that the first petitioner, namely, Jahir Hussain, is an Ex-serviceman and his presence before the Trial Court may be dispensed with.

7. Accepting the submissions, this Court directs the first petitioner to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the first petitioner files an application under Section 317 Cr.P.C., undertaking that he will not dispute his identity and that his counsel will cross-examine the prosecution witnesses in his absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the first petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence.

8. Both the petitioners are further directed to furnish a bond under Section 88 Cr.P.C. with two sureties for Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, Madurai. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/



To

1.The Judicial Magistrate No.I, Madurai.

2.The Inspector of Police,
Theppakulam Police Station, Madurai District.

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

+one cc to M/s.R.Alagumani, Advocate in SR.No.13366/16

Jikr

CSL/NGM-SS/17.03.2016/3P/5C

CrI.O.P(MD) .No.4095 of 2016
08.03.2016