



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP(MD) No.5732 of 2016

Marimuthu

..Petitioner

Vs

1.Rethis @ Rethinasamy  
S/o.Arumugam  
Middle Street  
Chitraikudi Village  
Budalur Taluk  
Thanjavur District

2.Arumugam  
S/o..Rethinasamy  
Middle Street,  
Chitraikudi Village,  
Budalur Taluk  
Thanjavur District

3.State represented by  
the Sub Inspector of Police,  
Kallaperambur Police Station,  
Thanjavur District

.. Respondents

**Prayer:-** Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the order passed in S.C.No.243 of 2014 on the file of the learned Additional Subordinate Judge, Thanjavur dated 22.03.2016 and set aside the same and direct the learned Additional Subordinate Judge, Thanjavur to proceed with the same in accordance with law.

For Petitioner : Mr.K.Guhan

For Respondent : Mr.K.Balasundaram for R1 and R2

Mrs.S.Prabha for R3  
Government Advocate(Cr1.Side)

**O R D E R**

This petition has been filed to set aside the order passed in S.C.No.243 of 2014 on the file of the learned Additional Subordinate Judge, Thanjavur dated 22.03.2016 and direct the learned Additional Subordinate Judge, Thanjavur to proceed with the same in accordance with law.

2. It is seen that on the complaint lodged by the petitioner, the respondent police registered a case in Crime No.32 of 2013 on 22.03.2013 under Sections 294(b), 341, 324 and 307 IPC against one Rethis @ Rethinasamy/A1 and Arumugam/A2 and after completing the investigation, final report was filed in PRC No.3 of 2014 before the Judicial Magistrate, No.II, Thanjavur. The case has been now committed to the Court of Sessions in SC No.243 of 2014 and is pending on the orders of the Additional Sub Judge, Thanjavur. It appears that the petitioner was served witness summons for giving evidence and since he did not receive the same, the witness warrant has been issued against the petitioner. Challenging which, the petitioner is before this Court.

3. The learned counsel for the petitioner contended that the police have adopted very sly practice of not serving summons on the petitioner and getting a warrant as against him. The learned counsel also submitted that the petitioner is always ready and willing to give evidence before the trial Court.

4. On going through the docket orders, it is seen that the case is posted today, ie. on 11.04.2016 for the appearance of the petitioner and since the petitioner did not appear, the matter now stands adjourned to some other date.

5. Without going into the merits and demerits of the contention, this Court directs the petitioner to appear before the trial Court on the next date of hearing, and on such appearance, the witness warrant shall be recalled and the petitioner is directed to give evidence before the trial Court.

With the above observation and direction, this petition is closed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar



To

1.The Additional Subordinate Judge, Thanjavur.

2.The Sub Inspector of Police,  
Kallaperambur Police Station,  
Thanjavur District

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

+one cc to M/s.K.Guhan, Advocate in SR.No.20194

RR

CSL/MP/SAR-I/11.05.2016 : 3p/5c

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