



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P. (MD) .No.9120 of 2016 and
Crl.MP (MD) Nos.4544 and 4545 of 2016

A.Minor

.. Petitioner

Vs.

1.The Deputy Superintendent of Police,
Orathanadu Sub Division
Thanjavur District

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District
in Crime No.35 of 2009

3.Ramachandran

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the proceedings in SSC No.41 of 2015 on the file of the 1st Additional Sessions Court (PCR), Thanjavur and quash the same.

For Petitioner : Mr.Y.Krishnan

For respondents : Mr.A.P.Balasubramani

Government Advocate (Criminal side)

ORDER

This petition has been filed to quash the proceedings pending against the petitioner in SSC No.41 of 2015 on the file of the 1st Additional Sessions Court (PCR), Thanjavur.

2. The charges against the petitioner, as framed by the I Additional Sessions Court, are under Sections 147, 341, 323, 355 IPC r/w Section 3(1)(x) of SC/ST Act. As the petitioner/A1 was not available during the course of trial, the case against him had been split up and the Court had proceeded with the trial of A2 to A4. In order to substantiate the charges against the accused persons, the prosecution relied upon 15 witnesses. Out of which, the prosecution has chosen to examine 7 witnesses. The evidence of the prosecution has been produced before this Court in the typed set of papers.



3. P.W.1/the defacto complainant Ramachandran has specifically stated that he know all the accused persons and he was not beaten by any of the accused. Similarly, the eye witness Sathishkumar/P.W.3 has stated that because he was dark, he was not able to say, who had beaten him. Another eye witness has also stated that since there was a crowd, he did not know, who has beaten him and that he did not sustain any injury. Same is the statement of P.W.5 also. The remaining two witnesses are official witnesses.

4. It is the contention of the learned counsel for the petitioner that for the similarly placed co-accused persons with the same set of facts, the case has ended in acquittal and therefore, no useful purpose would be served in prosecuting the case against present petitioner/accused person any further, especially, when the witnesses all turned hostile.

5. In order to appreciate his contention, it is necessary to go through the judgment of S.C.No.34 of 2013, wherein, a specific finding has been given to the effect that there is no evidence whatsoever to show that there was an illegal obstruction or abuse by caste name or use of weapons or with regard to causing of injury to any of the prosecution witnesses and therefore, the accused persons are entitled to acquittal.

6. Having regard to the finding in the Sessions case in SC No.34/2013, this Court is of the view that continuance of the proceedings against this petitioner would amount to abuse of process of Court and the case has to be quashed. Accordingly, this criminal original petition is allowed and the case in SSC No.41 of 2015 is hereby quashed. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub-Assistant Registrar

To

1.The Deputy Superintendent of Police, Orathanadu Sub Division
Thanjavur District

2.The Inspector of Police, Orathanadu Police Station,
Thanjavur District

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

+One cc to Mr.Y.Krishnan, Advocate, SR.No.30277

RR

RL/5C/2P/ARK/PV/SARI/28/6/2016

Cr1.O.P(MD)No.9120 of 2016

and Cr1.MP(MD)Nos.4544 and 4545 of 2016