

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRL.O.P.No.5195 of 2017

and

CRL. M.P.No.3870 of 2017

Murugesan ... Petitioner

-Vs-

State by
Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District. ... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code to set aside the order in C.M.P.No.159 of 2017 in S.C.No.102 of 2012 dated 06.02.2017 on the file of Mahila Court (FTC), Namakkal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.M.Mohammed Riyaz,
Government Advocate (Criminal side)

ORDER

The petitioner is accused of having committed an offence punishable under Sections 498 (A) and 306 of IPC in S.C.No.102 of 2012 on the file of Mahila Court (FTC), Namakkal. Earlier, the petitioner moved this Court by filing Crl.OP.No.19645 of 2012 under Section 482 of Cr.P.C. Seeking to quash the proceedings in S.C.No.102 of 2012 pending against him and on 17.12.2012, this Court granted interim stay till 02.01.2013.

2. According to the learned counsel for petitioner, even though this Court granted interim stay in Crl. O.P. No.19645 of 2012, the trial Court proceeded to fix a date for trial. The petitioner therefore filed the instant petition in C.M.P. No.159 of 2017 in S.C.No.102 of 2012 under Section 309 of Cr.P.C. The court below, without considering that the interim stay granted by this Court is in force, summarily dismissed the petition.

3. Heard the learned counsel for both sides. The trial Court reasoned that there is no document filed to show that the interim stay granted by this Court on 17.12.2012 was extended subsequently. In the order dated 17.12.2012, this Court confined the interim stay only till 02.01.2013. Therefore, the trial Court posted the Sessions Case for hearing on 16.03.2017. Finding no error in the said order of the Court below, the Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1.The Mahila Court (FTC),
Namakkal.

2.The Inspector of Police,
Thiruchengode Town Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

CRL.OP.NO.5195 of 2017

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