

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Crl.O.P.No.7606 of 2017

and

Crl.M.P.No.5511 of 2017

K.Rajganesh Petitioner/Accused

Vs

State rep.by its
The Inspector of Police,
Mettur Police Station,
Mettur, Salem District.

.... Respondent/Complainant

Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the proceedings of the order in C.M.P.No.5438 of 2016 in C.C.No.178 of 2012 on the file of the Judicial Magistrate No.1, Mettur, Salem District and set aside the same.

For Petitioner : Mr.M.Senthilkumar

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the order passed in C.M.P.No.5438 of 2016 in C.C.No.178 of 2012 by the Judicial Magistrate No.1, Mettur, Salem District.

2.The case of the prosecution is that on 04.08.2012 at about 8.30 p.m., the petitioner's lorry bearing Regn.No.TOB 6789 was parked on the State Highways Road side with a load of iron rods which were protruding 10 metres away from the lorry. The said lorry was parked without indicator light or danger light, in a casual manner. At that time, one Marimuthu who was driving his two-wheeler bearing Regn.No.TN-27-T-4911, got injured in his neck, and died, which has happened due to the iron rods loaded in the lorry. Hence a case in Crime No.309 of 2012 was registered and charge sheet was also laid in C.C.No.178 of 2012 on the file of the Judicial Magistrate No.1, Mettur. Out of 16

witnesses, 8 witnesses have been examined. The petitioner states that since no materials were availed from the petitioner, the petitioner filed a petition under Section 311 of Cr.PC before the Trial Court for cross-examination, after getting material evidence and the same was rejected on 28.02.2017. Hence this Criminal Original Petition.

3.Mr.C.Emalias, learned Additional Public Prosecutor takes notice for the respondents.

4.It is seen that the petitioner had not given proper explanation before the Trial Court and no witnesses had been adduced for consideration. The petitioner did not produce proper documents before the Trial Court. Even in the present petition, no explanation has been given and no documents have been filed, for cross-examination of the witnesses. Hence, there is no reason to interfere with the order passed by the Trial Court and accordingly the Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

KM
To

- 1.The Judicial Magistrate No.1,
Mettur, Salem District.
- 2.-Do- Thro The Chief Judicial Magistrate,
Salem.
- 3.The Inspector of Police,
Mettur Police Station,
Mettur, Salem District.
- 4.The Public Prosecutor,
Madras High Court, Chennai-600 104.

Cr1.O.P.No.7606 of 2017
and
Cr1.M.P.No.5511 of 2017

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srg 28/06/2017