

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.4799 of 2017

and

Crl.MP.No.3595 of 2017

Senthamizh Selvi Petitioner
Vs

1.State represented by
Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

2.Pazhani

3.Murugan

4.Ambazhagan

5.Gopalakrishnan

.... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to set aside the order dated 14.12.2016 in CMP No.4234
of 2016 in CC No.66 of 2009 passed by the Judicial Magistrate
No.1, Virudhachalam.

For Petitioner : Mr.S.Shankar

For R1 : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed to set aside
the order dated 14.12.2016 in CMP No.4234 of 2016 in CC No.66 of
2009 passed by the Judicial Magistrate No.1, Virudhachalam.

2. The case of the petitioner is that based on the
complaint lodged by her, a case in Crime No.230 of 2008 was
registered against the respondents 2 to 5 for the offences
punishable under Sections 147, 148, 448, 324 and 506(ii) IPC.
After completion of investigation, charge sheet was filed and
the same was also taken on file as CC No.66 of 2009 by the
learned Judicial Magistrate No.1, Virudhachalam. Thereafter,

trial has commenced, during the course of which, the petitioner has filed a petition in CMP.No.4234 of 2016 to appoint a counsel of her own choice to assist the prosecution on the ground that one Gopi has to be arrayed as accused, in addition to other accused. By order dated 14.12.2016, the said petition was dismissed by the learned Magistrate, observing that such application was filed only to protract the proceedings. Aggrieved over the same, the present petition has been filed by the petitioner.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor appearing for the respondent, on instructions, submitted that PW1 to PW4 were examined on 25.07.2016; PW5 was examined on 20.09.2016; PW6 and PW7 were examined on 10.01.2017 and the case stood adjourned to 15.03.2017 for judgment.

4. In view of the submission so made by the learned Additional Public Prosecutor, this Court is of the view that since the case was already posted for judgment, after due trial, it is unnecessary to pursue this petition. Hence, recording the said submission, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I, Vridhachalam.

2.The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

3.The Public Prosecutor, High Court, Madras.

CrI.O.P.No.4799 of 2017

SK(CO)
RS(03/04/2017)