

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION Nos.13157 & **13158** of 2017

IN CRL RC.1354/2017

VAIDHIYANATHAN

[PETITIONER]

Vs

THE STATE REPRESENTED BY
THE ADDITIONAL SUPERINTENDENT OF POLICE,
CRIME BRANCH C.I.D, VILLUPURAM RANGE,
VILLUPURAM.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased

(i) stay all further proceedings in CC.No.1/2016 on the file of the Chief Judicial Magistrate, Villupuram pending disposal of the Crl.R.C.No.1354/2017.(IN CRL.MP.NO.13157/2017)

(ii)dispense with the personal appearance of the petitioner in CC.No.1/2016 on the file of the Chief Judicial Magistrate, Villupuram pending disposal of the Crl.R.C.No.1354/2017.(IN CRL.MP.NO.13158/2017)

Order : These petitions coming on for orders upon perusing the petitions and upon hearing the arguments of M/S.TRANQUEBARDORAIVASU, Advocate for the petitioner and of MR. V.ARUL, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The revision petition has been filed by the petitioner, who is arrayed as 4th accused in C.C. No. 1 of 2016 challenging the dismissal of the discharge petition filed under Section 239 Cr.P.C. Pending revision, the accused has filed this Criminal Miscellaneous Petition.

2. The learned counsel for the accused contended that there is no material connecting the accused with the crime in question and therefore, the dismissal of the application for discharge, without giving any reason, is unsustainable.

3. A perusal of the impugned order passed by the Court below would go to show that the trial Court has mentioned that the scanning of the statement of the witnesses and the documents filed by the prosecution. Prima facie case is made out. There is an omission to

point out as to what are the nature of materials available connecting the accused with the Crime in question. It is settled law that the confession of the co accused is a weak piece of evidence, unless it is corroborated by meticulous particulars.

4. Considering the above facts and circumstances, there shall be an order of **(*)interim stay of the trial court proceedings until further orders.**

5. List the case along with Criminal Revision No.1368 of 2017 after two weeks.

-sd/-
01/11/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

(*)1. BEING MENTIONED

2. THE PERSONAL APPEARANCE OF THE PETITIONER IN C.C.NOS.1 OF 2016 ON THE FILE OF THE LEARNED CHIEF JUDICIAL MAGISTRATE, VILLUPURAM, IS DISPENSED WITH, UNTIL FURTHER ORDERS.

3.1. IT IS MADE CLEAR THAT, EXCEPTING THE AFORESAID CORRECTIONS, IN ALL OTHER RESPECTS, THE ORDERS DATED 31/10/2017 AND 01/11/2017 SHALL REMAIN UNALTERED.

AS PER ORDER OF THIS COURT DATED 24/11/2017 MADE IN CRL.MP.NOS.13339,13357,13157,13358,13158 & 13340/2017 IN CRL.R.C.Nos.1368,1354 & 1372/2017.

TO

1 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE ADDITIONAL SUPERINTENDENT OF POLICE,
CRIME BRANCH C.I.D, VILLUPURAM RANGE,
VILLUPURAM.

+5C.C. to M/S.TRANQUEBARDORAIVASU Advocate on payment of
necessary charges SR.NOS. 21470 & 21467

Order

in
CRL MP.Nos.13157 & **13158**/2017

in
CRL RC.1354/2017

Date :01/11/2017

From 7.2.2001 the Registry is issuing certified
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EGR 08/11/2017
RVR 05/12/2017