



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.10171 of 2017

and

Crl.M.P.(MD) Nos.6951 and 6952 of 2017

Pindu Mahato

... Petitioner/Sole Accused

-Vs-

1.State by its

The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

(In Crime No.80 of 2016)

... 1st Respondent/Complainant

2. Muhesh Mahato

... 2nd Respondent/
De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the case in C.C.No.16 of 2017 on the file of the Learned Judicial Magistrate, Aruppukottai and quash the same.

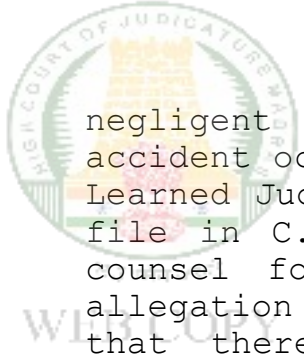
For Petitioner : Mr.S.Ramasamy
For R-1 : Mr.K.Anbarasan,
Government Advocate(Crl.side).

O R D E R

This Criminal Original petition has been filed to call for the records pertaining to the case in C.C.No.16 of 2017 on the file of the learned Judicial Magistrate, Aruppukottai and quash the same.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondent.

3.The de-facto complainant gave a complaint to the first respondent that his brother one Rameshkumar Mahato, who was working at 50 MV Sun Edison site Transform Plant on 24.05.2016, sustained injuries due to the electric shock and died on 05.06.2016. It was the case of the de-facto complainant that the petitioner was



negligent in providing safety measures and due to which, the accident occurred on 24.05.2016. A Final report was filed before the Learned Judicial Magistrate, Aruppukottai and the same was taken on file in C.C.No.16 of 2017. The only point argued by the learned counsel for petitioner is by referring to the fact that the allegation against the petitioner is regarding his negligence and that therefore he cannot be prosecuted. This submission is fallacious. Even in the FIR, it is stated that the death was caused due to electrocution. However, in the final report, it was specifically stated that knowing fully well that no one should be allowed to do any kind of work in relation to the transform plant, the deceased was engaged by the petitioner in certain works without providing any safety measures. The petitioner is made liable only for the negligence.

4. In such circumstances this Court is not inclined to entertain this Writ Petition because there is no abuse of process of law or no other irregularities in the charge sheet. Hence, the Criminal Original petition is dismissed. The petitioner's appearance is dispensed with unless or otherwise specifically required by the Court below. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Aruppukottai.
2. The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

+ 1 CC TO Mr.S.RAMASAMY, ADVOCATE IN SR No. 70098

CMR/GSP

TE/SV-MMS/SAR-II : 07/09/2017 : 2P/4C

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