



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.O.P. (MD) No.10784 of 2017 and
CRL.M.P. (MD) Nos.7385 & 7386 of 2017

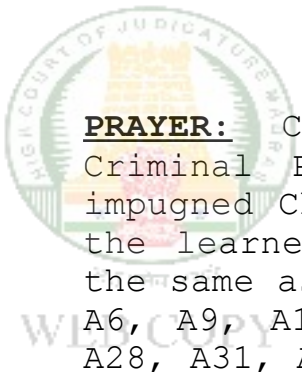
1. Saravanan
2. Stalin
3. Kamalraj
4. M.Natarajan
5. Mangleshwaran
6. M.Anand
7. Satheeswaran
8. G.Kannan
9. Anand Babu
- 10.Dinesh Kannan
- 11.M.Karthik
- 12.K.Suresh
- 13.K.Kaleeshwaran
- 14.R.Asaithambi
- 15.Balamurugan
- 16.Poovalingam
- 17.M.Ganesan
- 18.M.Sarathkumar
- 19.A.Raja
- 20.N.Karthik
- 21.M.Palanivelrajan
- 22.M.Sivakumar
- 23.M.Balu
- 24.M.Veerakumar
- 25.S.Ramanathan
- 26.P.Kannan
- 27.K.Dharmaraj
- 28.S.Karthikeyan

... Petitioners/Accused

-Vs-

1. State rep. by,
The Inspector of Police,
Thiruchuzhi Police Station,
Virudhunagar District.
(In Crime No.157 of 2012)

... 1st Respondent/Complainant



PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records relating to the impugned Charge Sheet in S.C.No.98 of 2014 pending on the file of the learned Additional Sessions Judge, Virudhunagar and to quash the same as illegal, improper and arbitrary as against A1, A2, A3, A6, A9, A10, A12, A14, A16, A17, A18, A19, A22, A23, A26, A27, A28, A31, A32, A35, A36, A37 and A41 to A46.

For Petitioners : Mr.R.Murugan

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

O R D E R

This Criminal Original petition is filed for quashing the impugned Charge Sheet in S.C.No.98 of 2014 pending on the file of the learned Additional Sessions Judge, Virudhunagar, as against A1, A2, A3, A6, A9, A10, A12, A14, A16, A17, A18, A19, A22, A23, A26, A27, A28, A31, A32, A35, A36, A37 and A41 to A46.

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

3. This petition is filed by 28 persons who are some of the accused in criminal proceedings in S.C.No.98 of 2014. The case was registered in Crime No.157 of 2012 against several persons for the offence under Sections 147, 148, 294(b), 341, 323, 353, 336 of I.P.C r/w 3(1) of TNPPDL Act, 1992. Subsequently, a Charge Sheet was filed and the petitioners are some of the accused.

4. The petitioners stated that the accused Nos.5 and 47 are reported dead and some of the accused, namely, A-4, A-7, A-8, A-11, A-13, A-20, A-21, A-33, A-39, A-40 and A-48 have gone abroad. Though the case was split up, the learned counsel for the petitioners stated that there was no progress in the case. The learned counsel for the petitioners further stated that the petitioners are regularly appearing before the learned Additional Sessions Judge, Virudhunagar, and that they are facing untoward sufferings in view of the Charge Sheet.

5. It is the specific case of the petitioners that the petitioners were not specifically named in the First Information Report. Even in the Charge Sheet, the learned counsel for the petitioners submitted that there was no reference to any overtact by the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

6. The learned Government Advocate(Criminal Side) however



submitted that the Charge Sheet clearly disclose the involvement of the petitioners. He further submitted that the petitioners and others have assembled with deadly weapons and threatened the people by obstructing traffic apart from damaging State Transport buses.

7. Having regard to the nature of the offence alleged to have been committed by the accused and other particulars which are filed along with the Charge Sheet, this Court is not inclined to entertain this petition. Hence, the Criminal Original petition is dismissed. However, the learned counsel for the petitioner submitted that the presence of the petitioners may be dispensed with, as they have appeared almost in all hearings so far. It was also stated by the learned counsel for the petitioners that the other accused are not co-operating. In such circumstances, the request of the learned counsel for the petitioners to dispense with the presence of the petitioners can be accepted. The personal appearance of the petitioners is dispensed with, unless or otherwise it is specifically required by an order of Court. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Additional Sessions Judge,
Virudhunagar.
2. The Inspector of Police,
Thiruchuzhi Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.R.Murugan , Advocate in SR.No. 28818

pmu

AE/JC/SAR3/29.08.2017/3P/5C