



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CRL OP (MD) No.11150 of 2017

Rajiv Gandhi : Petitioner/Petitioner

Vs.

State rep. by
Sub Inspector of Police,
Yamenswaram Police Station,
Ramanathapuram District
(Crime No.156 of 2016)

: Respondent/Respondent

PRAYER: Criminal Original Petition is filed to set aside the docket return of the learned Judicial Magistrate, Paramakudi dated 21.07.2017 in copy Application No.272 of 2017 and direct the learned Judicial Magistrate, Paramakudi to grant certified copy of the final report in Crime No.156 of 2015 filed by the respondent Police.

For Petitioner : Mr.Anand for G.Prabahari

For Respondent : Mr.K.Anbarasan,
Government Advocate (Crl.Side).

O R D E R

This petition is filed for setting aside the Docket Order returning the copy application filed by the petitioner for getting the charge sheet filed in relation to the Crime No.156 of 2015, before the learned Judicial Magistrate, Paramakudi, dated 21.07.2017 and to direct the learned Judicial Magistrate, Paramakudi to grant certified copy of the final report.

2. The case of the petitioner is that the petitioner was also implicated originally in the Crime No.156 of 2015. However, stating that the de facto complainant has given a statement that the petitioner was not involved in any crime, it is stated that referred charge sheet came to be filed by deleting the name of the petitioner. Since the charge sheet was not taken on file it is stated that the petitioner's application for furnishing a copy of the referred charge sheet was returned.



3. The learned counsel appearing for the petitioner submitted that since the charge sheet has now been filed deleting the name of the petitioner, the learned Judicial Magistrate, Parmakudi may be directed to pass formal order to take the charge sheet on file so that the petitioner will be discharged from the criminal case.

4. The learned Government Advocate (Crl. Side) on instructions submitted that though the referred charge sheet is filed after deleting the name of the petitioner, the charge sheet will be taken on file only after receiving any objection from the de facto complainant. In case, the de facto complainant has any objection, the lower Court will decide as to the deletion of the petitioner from the criminal case whether it is valid or not.

5. The learned counsel appearing for the petitioner, however, pointed out that the name of the petitioner was deleted based on the statements given by the de facto complainant stating that the petitioner was not involved in any crime and that he was only preventing the person who indulged in criminal activities to avoid any untoward incident.

6. In the circumstances, this Court is inclined to issue the following direction:

"The learned Judicial Magistrate, Paramakudi is directed to consider the referred charge sheet taken on file, after hearing the petitioner as well as the de facto complainant, within a period of four weeks from the date of receipt of a copy of this order".

7. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Paramakudi.

2.The Sub Inspector of Police,
Yamenswaram Police Station,

<https://hcservices.mca.gov.in/hcservices/>
Paramakudi District



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 cc to Mr.G.Prabahari , Advocate in SR.No. 75489

trp

AE/SV MMS/SAR2/08.09.2017/3P/5C

CRL OP (MD) No.11150 of 2017
30.08.2017