



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) Nos.11636 and 11637 of 2017
and

Crl.M.P. (MD) Nos.8001 to 8004 of 2017

Crl.O.P. (MD) No.11636 of 2017:

- 1.S.Vivakananthan
- 2.Venmaniselvan
- 3.Rajavelu
- 4.Kannaian
- 5.Marimuthu
- 6.Mullaivalan
- 7.Tamilni
- 8.Selvaraj
- 9.Sukru
- 10.Chenni.Pandian
- 11.Pattichimuthu @ Pathima
- 12.Sakthivel
- 13.Vijay Anand
- 14.Nadarajan
- 15.Mariappan
- 16.Muthtamilselan
- 17.Elangovan
- 18.Mellitri Gunasekaran
- 19.Thirumaran @ Mehandran
- 20.Sesathrei
- 21.Srinevasan
- 22.Thiagarajan
- 23.Murugesan
- 24.Muruganantham
- 25.Chennapa @ Chennapathas
- 26.Kennadi Kannan
- 27.Ravi
- 28.Jeyasankar
- 29.Jeyakanthan
- 30.Krishnan
- 31.Muniyandi
- 32.Veerasamy
- 33.Magadevan
- 34.Arivalagan
- 35.Aarumaidurai
- 36.Sankaran



37.Muruthamuthu
38.Chellaiyan
39.Subramanian
40.Selvamani
41.Gangaraj
42.Marimuthu

... Petitioners

Vs.

State Rep. By
1.The Inspector of Police,
East Police Station,
Kubakonam,
Thanjavur District.
(Crime No.378 of 2008)

2.G.Bala Krishnan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet in C.C.No.16 of 2010 pending against the petitioners before the Judicial Magistrate Court No.II, Kumbakonam, in Crime No.378 of 2008, on the file of the Inspector of Police, East Police Station, Kumbakonam.

Crl.O.P.(MD)No.11637 of 2017:

1.S.Vivakananthan
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3.Rajavelu
4.Elangovan
5.Mullaivalan
6.Muthamilselan
7.Elangovan
8.Mellitri Gunasekaran
9.Thirumaran @ Mehandran
10.Sesathrei
11.Ravi
12.Jeyasankar
13.Jeyakanthan
14.Arivalagan
15.Sankaran
16.Rajendran
17.Kannaian
18.Rameshkumar
19.Srinevasan
20.Thiagarajan
21.Murugesan

... Petitioners

Vs.



State Rep. By
1.The Inspector of Police,
East Police Station,
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2.G.Bala Krishnan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the charge sheet in C.C.No.17 of 2010 pending against the petitioners before the Judicial Magistrate Court No.II, Kumbakonam, in Crime No.379 of 2008, on the file of the Inspector of Police, East Police Station, Kumbakonam.

For Petitioners : Mr.T.Palanisamy
(in both the CrI.O.Ps.)

For R1 : Mr.K.Anbarasan
(in both the CrI.O.Ps.) Government Advocate
(Criminal side)

For R2 : No Appearance
(in both the CrI.O.Ps.)

COMMON ORDER

These Criminal Original Petitions have been filed to quash C.C.Nos.16 and 17 of 2010 in Crime Nos.378 and 379 of 2008 respectively, pending on the file of the Judicial Magistrate Court No.II, Kumbakonam.

2.The case of the prosecution in Crime No.378 of 2008 is that due to suicide of one Veerasamy, the petitioners assembled in front of the Tahsildar's Office on 06.10.2008 and made a Dharna in order to identify the accused persons and thereby, creating law and order problem. The case of the prosecution in Crime No.379 of 2008 is that the petitioners/accused organized public demonstration in front of the Tahsildar's office on 07.10.2008 to arrest the suspected persons in the death of the abovesaid Veerasamy and violated the prohibitory order and prevented the free flow of traffic. After investigation, the 1st respondent Law Enforcing Agency filed charge sheets before the Judicial Magistrate Court No.II, Kumbakonam, which were taken on file in C.C.Nos.16 and 17 of 2010. Against which, the present Criminal Original Petitions have been filed by the petitioners.

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

3.Though the learned counsel for the petitioners raised several grounds for quashing the charge sheets filed by the Law



Enforcing Agency, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioners to raise all the grounds raised in these petitions before the trial Court.

4.I have heard the learned Government Advocate (Criminal side) appearing for the first respondent, who has also conceded the request of the learned counsel for the petitioners.

5.In the light of the abovesaid submission of the learned counsel for the petitioners, this Court without going into the merits of the cases, directs the learned Judicial Magistrate No.II, Kumbakonam, to complete the trial in C.C.Nos.16 and 17 of 2010, within a period of six months from the date of receipt of a copy of this order and the personal appearance of the petitioners is dispensed with unless the learned Magistrate feels that their presence is required for disposal of the cases.

With the above direction, these Criminal Original Petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.II,
Kumbakonam.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam

3.The Inspector of Police,
East Police Station,
Kumbakonam,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+One cc to Mr.S.Chellapandian, Advocate, SR.No.83070
smn2

RL/6C/4P/KP/SAR1/1/11/2017 Crl.O.P.(MD)Nos.11636 and 11637 of 2017