



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.13865 of 2017

and

Crl.M.P.(MD)Nos.9307 and 9308 of 2017

Siva @ Sivanantham

...Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Pattukottai Sub Division,
Thanjavur District.

2.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.

(in Crime No.220 of 2010) ... 1st and 2nd Respondents
/ Complainants

3.Rahupathy

... 3rd Respondent / De-facto
Complainant

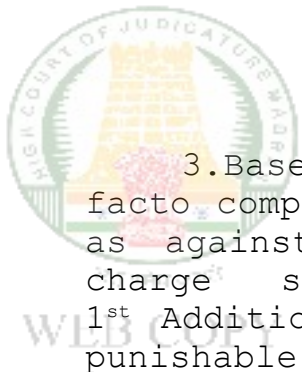
Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the proceedings in S.S.C.No.39 of 2012 on the file of the 1st Additional Sessions Court (PCR), Thanjavur and quash the same as against the petitioner.

For Petitioner : Mr.V.Kathirvelu Senior Counsel for
M/s.B.Anandan
For R-1 & R2 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the records pertaining to the proceedings in S.S.C.No.39 of 2012 on the file of the 1st Additional Sessions Court (PCR), Thanjavur, as against the petitioner.

<https://hcservices.courts.gov.in/hcservices/> learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first and second respondents.



3. Based on the complaint lodged by the third respondent / de-facto complainant, a case was registered in Crime No.220 of 2010, as against the petitioner and three others. After filing the charge sheet, the case was taken on file by the 1st Additional Sessions Court (PCR), Thanjavur, for the offences punishable under Sections 120(B)(i), 447, 302 r/w 109, 307 IPC and 3(2)(V) of SC/ST (POA) Act in S.S.C No.39 of 2012.

4. The learned Counsel for the petitioner / second accused has submitted that the complaint was originally registered as against two accused and case was registered against two more accused as there was a criminal conspiracy. It is further stated that three accused have been discharged from the criminal case by the Trial Court itself and it will be a abuse of process of law to prosecute against the petitioner alone. It was further stated that so far as the offences under the provisions of SC/ST Act, by virtue of Section of 7(1), this criminal proceedings is liable to be quashed, because of the delay in filing the charge sheet.

5. It is seen from the charge sheet as against the second accused that he has chased one of the victims and that the statement obtained by the witnesses also would show that the second accused has not only proceeded for criminal conspiracy, but also for specific overt act. In this circumstances, the contention of the learned Counsel for the petitioner to quash the proceedings cannot be entertained. Hence, leaving it open to the petitioner to raise all in his defence at the time of trial, this Criminal Original Petition is dismissed. The 1st Additional Sessions Court (PCR), Thanjavur, is directed to complete trial and dispose of the case in S.S.C.No.39 of 2012, after considering all the objections and defence that may be raised by the learned counsel for the petitioner, as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

6. The learned Counsel for the petitioner seeks indulgence of this Court to dispense with the presence of the petitioner before the lower Court. Since the trial is unnecessarily protracted, due to the non appearance of the petitioner and considering the grievance of the petitioner, the personal appearance of the petitioner is dispensed with, unless and until his presence is specifically required by an order of Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/



To

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1.1st Additional Sessions Judge (PCR),
Thanjavur.

2.The Deputy Superintendent of Police,
Pattukottai Sub Division,
Thanjavur District.

3.The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.

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

+One cc to Mr.B.Anandan, Advocate, SR.No.83165

cmr

RL/6C/3P/MR/KKR/SAR3/31/10/2017

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