



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2017

CORAM :

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

Cr1.O.P.(MD).No.14930 of 2017

and

Cr1.M.P.(MD) Nos.9935 and 9936 of 2017

David

... Petitioner/Accused No.5

Vs.

1.The State Represented by
The Inspector of Police,
Thuklai Police Station,
Thuklai,
Kanyakumari District.
(Crime No.563 of 1997)

2.Rakesh ... Respondents/Complainant & Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the P.R.C.No.13 of 2004 on the file of the Judicial Magistrate Court, Padmanabhapuram and to quash the same.

For Petitioner : Mr.M.R.Sreenivasan

For R1 : Mr.K.S.Durai Pandian

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for the records pertaining to the P.R.C.No.13 of 2004 on the file of the Judicial Magistrate Court, Padmanabhapuram and to quash the same.

2.Based on the complaint lodged by the second respondent a case was registered as against the petitioner in Cr.No.563 of 1997. After filing the charge sheet, the case was taken on file in P.R.C.No.13 of 2004 as against 13 persons for the alleged offences punishable under Sections 147, 148, 324, 326, 307, 396, 450, 455, 305 r/w 307, 302 r/w 149 IPC and Section 3 of Explosives Act, on the file of the Judicial Magistrate Court, Padmanabhapuram. Though, the petitioner was originally arrayed as seventh accused, after filing the charge sheet the petitioner is arrayed as fifth accused. The only contention raised by the petitioner is that there is no specific allegation as against the petitioner in the charge sheet.



3.The learned Additional Public Prosecutor submitted that as against the fifth accused, specific charges are framed based on materials gathered during investigation. In these circumstances, this Court is not inclined to entertain this petition.

4.Hence, this petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Padmanabhapuram.
- 2.-do-Thro' The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
- 3.The Inspector of Police,
Thuklai Police Station,
Thuklai, Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s. M.R.SREENIVASAN Advocate in SR. No. 85500

MM

JS/KP/SAR.1/17.11.2017/2P-6C

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