



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

**Crl.O.P. (MD) No.3298 of 2017 and
Crl.M.P. (MD) Nos.2518, 2519 & 3296 of 2017**

D.G.Leo Pristly @ Leo Christly ... Petitioner/A4

-vs-

1. State represented by
The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

2.Vedhamanickam ... 2nd respondent/ defacto
complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.62 of 2007 on the file of the Judicial Magistrate, Padmanabhapuram and quash the same as against the petitioner herein.

For Petitioner : Mr.T.Arul
For R1 : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

ORDER

This petition has been filed to call for the records in C.C.No.62 of 2007 on the file of the Judicial Magistrate, Padmanabhapuram and quash the same as against the petitioner herein.

2. Today, pursuant to the order dated 12.04.2017, Mr.M.Sree Abhinav, I.P.S., Assistant Superintendent of Police, Thuckalay is present and the Non Bailable Warrant issued against him is recalled.

3. The Police have filed a final report, wherein it is stated that A1 & A2 have surrendered before the learned Judicial Magistrate, Padmanabhapuram on 24.03.2017 and 28.03.2017 respectively and the warrant issued against them has been recalled. It is also seen that summons have been served on A3 and A5 for hearing on 10.07.2017.



4. On a reading of the charge sheet, it is alleged by the defacto complainant that on 24.12.2006 around 19:00hrs, he was attacked by the accused herein in which he sustained some injuries. Since there are prima facie materials in the charge sheet, the prosecution cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in the case of State of Haryana Vs. Bhajan Lal and others, reported in AIR 1992 SC 604. It is further seen that the case is of the year 2007. Therefore, the accused are directed to co-operate with the learned Judicial Magistrate, Padmanabhapuram for completing the trial and in the event of any of the accused absconding again, a fresh FIR can be registered under Section 229-A IPC. The Trial Court is directed to complete the trial in C.C.No.62 of 2007 within three months from 10.07.2017. The Assistant Superintendent of Police, Thuckalay is directed to monitor the conduct of the trial by ensuring that the Police produce necessary witnesses before the Trial Court.

With the above observation and direction, this petition is closed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Assistant Superintendent of Police,
Thuckalay.
2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ar

AE/SV/09.05.2017/2P/4C

Cr1.O.P. (MD) No.3298 of 2017
18.04.2017