



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P. (MD) No.1279 of 2011

and

M.P. (MD) .Nos.1 & 2 of 2011

Sukumar

.. Petitioner/A14

-vs-

The State rep. by the
Deputy Superintendent of Police,
Q Branch CID,
Trichy,
(Crime No.1 of 2007).

.. Respondent/Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the case in C.C.No.41 of 2009 on the file of the Special Court for consumer and NDPS Act cases, Pudukkottai and quash the same as against the petitioner herein.

For Petitioner	:	Mr.S.Deenadhayanalan
For respondent	:	Mr.C.Mayilvahana Rajendran, Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed by the petitioner/A14 seeking to quash the proceedings in C.C.No.41 of 2000 on the file of the Special Court for Consumer and NDPS Act cases, Pudukkottai.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The learned Additional Public Prosecutor appearing for the respondent submitted that the trial has already been commenced in this case and out of 12 witnesses, two witnesses have also been examined. Hence, this Criminal Original Petition is liable to be dismissed. In support of his contention, he has relied on the judgment of the Hon'ble Supreme Court reported in **AIR 1973 SC 799 (Amar Chand Vs. Shanti Bose)**, wherein the Hon'ble Supreme Court has held that after the commencement of the trial before the trial Court, the proper course to be adopted by the High Court is to allow the proceedings to go on and to come to its logical conclusion, one way or the other, and decline to interfere with those proceedings.

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

4. Since it is stated that the trial has already been commenced in this case and two witnesses have been examined by the trial Court, this Court is of the view that this Criminal Original



Petition is liable to be dismissed and accordingly, dismissed, leaving it open to the petitioner to raise all the points raised in this petition before the trial Court. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

To

- 1.The Special Judge for consumer and NDPS Act cases,
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Q Branch CID,
Trichy,
- 3.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to MR.S.DEENADHAYALAN,ADVOCATE, SR NO:1217

Cr1.O.P.(MD) No.1279 of 2011
05.01.2017

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SVA/CM/MSA/07.02.2017/2P/5C