

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 09.07.2018
Pronounced on : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16721 of 2011
and

M.P.No.1 of 2011

G.Sasikumar,
S/o.Gapal. ... Petitioner/Accused No.2

Vs.

State Rep. by:
The Inspector of Police,
Traffic Investigation Wing (Central),
Coimbatore - 12,
Coimbatore District. ... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the Charge Sheet in C.C.No.15 of 2011 on the file of the Judicial Magistrate Court No.VIII, Coimbatore in consequent to the Crime No.258/2009 of TIW (C) P S Coimbatore and quash the same in respect of the petitioner by allowing this Criminal Original Petition.

For Petitioner : Mr.S.Saravanan

For Respondent : Ms.V.Saratha Devi,
Government Advocate

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This Criminal Original Petition has been filed by A2 in C.C.No.15 of 2011 on the file of the Judicial Magistrate Court No.VIII, Coimbatore to quash the charge sheet as against him.

2.The respondent had registered a case in Cr.No.258 of 2009 on 31.08.2009 against the petitioner and another for the offences under Section 304 (ii) of the Indian Penal Code and thereafter, on completion of investigation

had filed the charge sheet against the accused and one Jayabal. In the charge sheet, they have cited 24 witnesses and several documents.

3.The case of the prosecution is that the first accused - Jayabal is the driver of tanker lorry bearing No.TN 37 Z 1233, of which the petitioner is the owner, the petitioner normally used to travel in the tanker lorry along with the driver. On 31.08.2009, the tanker lorry was driven by the first accused, the petitioner, who was sitting besides him was engaged in a altercation with the driver and they were shouting against each other without knowing that the water tanker lorry was moving in a rash and haphazard manner in the public road, where there were lot of people, despite the public shouting at the petitioner and the driver unmindful of the same they were quarrelling between them and in the process the vehicle had ran into the bus stop and dashed against a crowd and four persons was recover to death and injured several persons, who were found standing.

4.The prosecution on completion of investigation had filed the charge sheet. On a perusal of the same, it is found that the petitioner had sufficient intention, knowledge and been the cause for the commission of the offence along with the other accused.

5.On a cursory look of the rough sketch, it is apparent that the manner in which the lorry was driven and crossed across the road and had caused fatality of the four persons could be seen. The Vehicle Inspector has certified that the accident is not due to any mechanical defect. In such circumstances, this Court feels that there is no merit in the contention of the petitioner and the quash petition is liable to be dismissed.

6.Accordingly, this Criminal Original Petition stands dismissed and the Trial Court is directed to conclude the case within a period of four months from the date of receipt of a copy of this order and report compliance. Consequently, the connected Miscellaneous Petition is closed.

Sd/--

Assistant Registrar(CS ix)

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Sub Assistant Registrar

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To

1.The Judicial Magistrate No.VIII,
Coimbatore.

2.The Chief Judicial Magistrate,
Coimbatore.

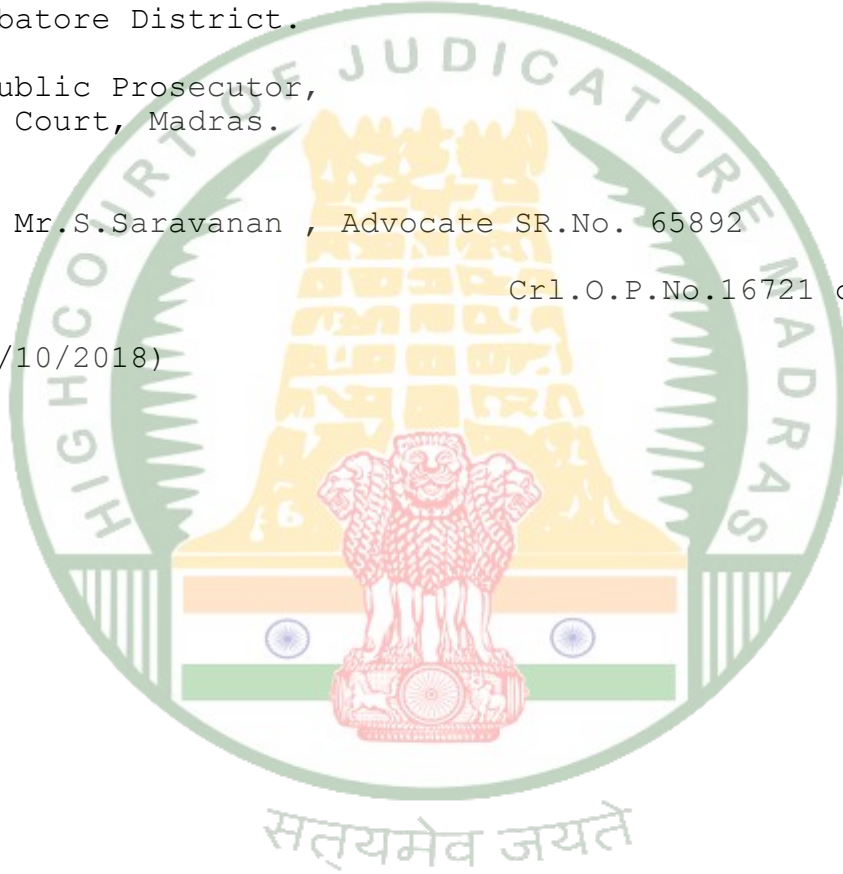
3.The Inspector of Police,
Traffic Investigation Wing (Central),
Coimbatore - 12,
Coimbatore District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Saravanan , Advocate SR.No. 65892

Cr1.O.P.No.16721 of 2011

ASK(26/10/2018)



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