

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

Crl.O.P.No.30065 of 2011
& Crl.M.P.No.14408 of 2017

Siva @ Sivakumar

.. Petitioner

Vs.

State, represented by
Inspector of Police,
O.C.U.Crime Brach, CID,
Salem Distrit.
(Crime No.1 of 2010)

... Respondent

Criminal Original petition filed under Section 482 of Criminal Procedure code, to call for the records in Crl.R.C.No.27 of 2010 dated 11.03.2011 on the file of Additional Sessions (Fast Track Court) Namakkal, confirming the order in Cr.M.P.No.3931 of 2010 dated 15.10.2010 and set aside the same as illegal, pending investigation in Crime No.1 of 2011 on the file of Inspector of Police, OCU Branch, CID, Salem.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.T.Shanmuga Rajeswaran
Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed as against the order dated 11.03.2011 passed by the learned Additional Sessions (Fast Track Court) Namakkal, in Crl.R.C.No.27 of 2010, confirming the order in Cr.M.P.No.3931 of 2010, dated 15.10.2010.

2.The learned Government Advocate (Crl.Side) submitted that based upon the complaint given by the victim, a case has been registered for the offence under Sections 120(B), 366 read with 120(B), 342, 376(2)(g) IPC, Sections 55(E), 67(A), 66(A), (E), 67(A) read with 84(B) of IT Act and Sections 3 & 4 of the TN Prohibition of Charging Exorbitant Interest Act 2003. Pending investigation, the Investigation Officer has filed a petition in Crl.M.P.No.3931 of 2010 before the learned Judicial Magistrate No.I, Namakkal, to record the voice of the accused for the purpose of comparison and the said petition was allowed. As against which, the accused has prepared a revision in

Crl.R.C.No.27 of 2010 before the learned Additional Sessions (Fast Track Court) Namakkal. The said criminal revision case was dismissed by the learned Additional Sessions Judge on 11.03.2011 and hence, the present criminal original petition is filed. In the meanwhile, the investigation appears to have been completed and charge sheet has also been laid and after following the procedure for committal, the case was committed to Sessions and it was taken as S.C.No.52 of 2013 before the Sessions Court (Fast Track Mahila Court), Namakkal.

3.It appears that Crl.M.P.No.14408 of 2017 has been filed by the accused to amend the cause title by including the S.C.No.52 of 2013 in the preamble portion of Crl.O.P.No.30065 of 2011. In the interest of justice, the said Crl.M.P.No.14408 of 2017 is allowed.

4.During the course of argument, the learned Government Advocate (Crl.Side) submitted that, since the investigation is already over and the Crl.M.P.No.3931 of 2010 was originally filed before the learned Judicial Magistrate No.I, Namakkal, for recording the voice test of the accused, now after the passage of time, they are not pressing the same.

5. Recording the said submission made by the learned Government Advocate (Crl.Side) that they are not pressing for recording of the voice test of the accused, I find that the criminal original petition itself has become infructuous. Hence, this criminal original petition stands closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

abr
To

1. The Additional Sessions (Fast Track Court)
Namakkal.
2. The Inspector of Police,
O.C.U.Crime Brach, CID,
Salem Distrit.
- 3 The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.30065 of 2011

RMP (26/03/2018)