

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2018

C O R A M

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Cr1.O.P. No.13623 of 2009

Ramalingam .. Petitioner/Accused No.16

Vs.

State represented by
Inspector of Police,
Puduchathram Police Station.
Crime No.95/2000. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in PRC No.13 of 2003 on the file of Judicial Magistrate, Parangipettai and quash the same as illegal.

For Petitioner : Mr.R.Sankarasubbu
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

The petitioner is the 16th accused in PRC.13/2003 on the file of Judicial Magistrate, Parangipettai. The Inspector of police filed a final report in PRC.13/2003 against the 16th accused for the alleged offences punishable under Sections 147, 148, 307, 353, 302 IPC read with 3 and 5 of Tamilnadu Prevention & Public Property Destruction Act, before the Judicial Magistrate, Parangipettai.

2. Since the father's name of the 16th accused was mentioned as Pakrisamy in the final report, an amended final report was filed by the Inspector of Police and the same was admitted by the Judicial Magistrate, Parangipettai. The petitioner in the instant petition had contended that the police without conducting further investigation filed an amended final report mentioning his name as Ramalingam son of Ramanujam especially when the initial final report discloses that only one Ramalingam son of pakkirisamy was involved in the aforesaid offences.

3. The learned Government Advocate (Crl.side) would contend that PRC.13/2009 was already committed to the Additional District and Sessions Court, Chidambaram and assigned S.C.No.253/2009 and before passing committal orders the learned Judicial Magistrate, Parangipettai split up the case against the accused A1 to A12 and A14 to A16 and assigned a new PRC.16/2009 which is pending before the Judicial Magistrate, Parangipettai.

4.

4. It is his contention that the present petitioner on an earlier occasion filed Crl.O.P.No.34577/2004 under Section 482 Cr.P.C., to quash the entire proceedings in PRC.13/2009 and that the said petition was dismissed by this Court on 23.11.2004 on merits.

5. At the out set, it may be observed that the petitioner is not clear in his contention as to whether, he is the son of Pakkirisamy or son of Ramanujam. However, the present petitioner had already filed a petition in Crl.O.P.No.34577/2004 to quash the proceedings in PRC.13/2009 mentioning his father's name as Ramanujam. The said petition was dismissed on merits. It is not the case of the petitioner that he is not the son of Ramanujam.

6. The learned Government Advocate (Crl.side) would contend that the petitioner himself surrendered before a Judicial Magistrate in this case and that the name of the father of the petitioner was inadvertently mentioned as Pakkirisamy in the final report and after explaining the same, an amended final report was filed. According to him the learned Judicial Magistrate, Parangipettai after satisfying himself with the explanation offered by the investigating officer took cognizance of the offence and also committed the case to the Court of Sessions. In the facts and circumstances, I do not find any reason to quash the entire proceedings. Hence, the present petition is dismissed.

7. The learned Additional District and Sessions Court, Chidambaram, is directed to dispose of the S.C.No.253 of 2009 within a period of three months from the date of receipt of a copy of this order and the learned Judicial Magistrate Court, Parangipettai, is directed to commit PRC.No.16 of 2009 to the Court of Sessions as expeditiously as possible.

8. With the above observations, the present petition is dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AT

To

1.The additional District Judge,
Chidambaram

2. The Judicial Magistrate, Parangipettai

3. The Public Prosecutor,
Madras High Court.

4. The Inspector of Police,
Puduchathram Police Station.

+1 Cc to MR.R.SANKARASUBBU Advocate SR.NO. 46858

CrI.O.P. No.13623 of 2009

MR(CO)
ASK(21/08/2018)



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