

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28145 of 2018

and Crl.M.P.No.16374 & 16375 of 2018

1.Venkataramana
2.Ramamurthy
3.John Basha

...Petitioners

Vs.

State by
The Inspector of Police,
CBCID, Krishnagiri,
Krishnagiri District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the connected records in P.R.C.No. 17 of 2015 on the file of Judicial Magistrate-1, Krishnagiri and quash the same as illegal.

For Petitioners : Mr.R.Sankarasubbu

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the proceedings, in P.R.C.No.17 of 2015, on the file of Judicial Magistrate-1, Krishnagiri.

2 The learned counsel for the petitioners would submit that the petitioners were not in the scene of occurrence at the time when the offence is said to have taken place. The learned counsel would further submit that there are absolutely no materials against these petitioners for the purpose of adding them as an accused in this case.

3 The learned Additional Public Prosecutor would submit that all the accused persons were arrested in this case and the copies have also been supplied to the accused persons under Section 207 Cr.P.C. The case will be committed very shortly to the concerned Sessions Court.

4 The case is yet to be committed to the concerned Court. If there are no materials against the petitioners, the same will be considered at the time of framing charges under Section 228 Cr.P.C by the Court below. That apart the plea of alibi can not

be entertained at this Stage. Therefore, this Court does not want to make any observation in this Criminal Original Petition at this point of time. It is left open to the petitioner to agitate before the Court below during appropriate stage in the proceedings.

5 This Criminal Original Petition is disposed of, with the direction to the Judicial Magistrate-I, Krishnagiri to commit the case to the concerned Sessions Court within a period of one month from the date of receipt of copy of this Order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mpa/rpl

To

- 1.The Judicial Magistrate-I, Krishnagiri
- 2.The Inspector of Police,
CBCID, Krishnagiri,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate sr.no.86930

Cr1.O.P.No.28145 of 2018
and Cr1.M.P.No.16374 & 16375 of 2018

pa(co)
nr 09/01/2019

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