

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28095 of 2018

and

CRL.M.P.Nos.16332 & 16334 of 2018

Murali (M/A - 54 Years),
S/o. G.Sundaramoorthy,
No.37, 5 th Cross Street,
Thirupur Kumaran Nagar,
Vellarampet,
Puducherry -605 004.

... Petitioner/2nd Accused

Vs.

1.State, rep by,
The Station House Officer,
Thirubuvanai,
Puducherry.

2.Magesh Kumar,
S/o.Sri Ram Avath,
Basthora Village,
Bailya,
Uttar Pradesh.

...Respondents/Complainant/
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.561 of 2016, on the file of the Learned Judicial Magistrate-IV, Puducherry and quash the charge sheet as against the petitioner.

For Petitioner : Mrs.Aruna Elanco

For Respondents : Mr.Bharatha Chakravarthi,
(Public Prosecutor) Puducherry

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.561 of 2016, pending on the file of the Learned Judicial Magistrate-IV, Puducherry.

2. The petitioner is shown as A2 in the final report. The final report has been filed by the respondent police for the offence under Sections 285, 287, 337, 338, 304 (A) r/w Section 34 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner has been added as an accused by showing him as the Manager of the Company. The learned counsel would further submit that the petitioner was working as the General Manager (Accounts) in the Company from 01.05.2002 to 30.11.2017. The alleged incidence is said to have taken place on 22.09.2012 at about 12.30 hours, while the deceased persons were engaged in loading of furnace and due to a spark of fire, the same resulted in the bursting of the furnace and the molten iron spat on them and thereby caused their death and two other persons also sustained injuries.

4. The learned counsel would submit that there is absolutely no material to show that the petitioner was in any way in-charge of the running of the factory. The learned counsel would further submit that even though the name of the petitioner has been shown as the Manager, the license given to the factory does not show that the petitioner as the designated Manager under the Factories Act.

5. The learned counsel for the petitioner would further submit that in spite of there being no materials against the petitioner, charges were framed against him by the Court below on 07.04.2015.

6. The learned Public Prosecutor, Puducherry has submitted that the statements recorded from the witnesses as well as the materials collected by the Police in the course of the investigation, does not reveal the name of the petitioner as the Manager of the factory. That apart, no witness has spoken about the involvement of the petitioner.

7. This Court has carefully considered the submissions made on either side.

8. There are absolutely no materials collected by the prosecution in order to make the petitioner as an accused for the alleged incident except by naming the petitioner as the Manager of the factory and the prosecution has not even come up with a single scrap of paper to show that the petitioner was actually the Manager during the relevant point of time. The petitioner has been unnecessarily added as an accused in the present case. No witnesses speak about the involvement of this petitioner during the said incident. The continuance of proceedings against the petitioner is an abuse of process of

Court and therefore it has to be necessarily interfered with by this Court.

9. In the result, the proceedings in C.C.No.561 of 2016 on the file of the Judicial Magistrate-IV, Puducherry is hereby quashed. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsi/msrm

To

- 1.The Station House Officer,
Thirubuvanai, Puducherry.
 - 2.The Judicial Magistrate-IV,
Puducherry.
 - 3.Do through The Chief Judicial Magistrate,
Puducherry.
 - 4.The Public Prosecutor,
High Court, Madras.
- +1 cc to Ms.Aruna Elango, Advocate Sr.No.89072

CRL.O.P.No.28095 of 2018
and CRL.M.P.Nos.16332 & 16334 of 2018

GJ(CO)
CSL/09.01.2019

सत्यमेव जयते

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