IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.29540 of 2018
and Crl.MP.No.17342 of 2018

Pichai

... Petitioner/Accused No.4

Vs.

1. State rep by,
The Inspector of Police,
Brammadesam Police Station,
Villupuram District.

2. Muthu
S/o.Munusamy,
Ariyanthangal Road,
Brammadesam,
Marakkanam Taluk
Villupuram District.

... Respondents/Respondents & Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to call for the records relating to the P.R.C.No.8/2016 dated 01.06.2018, on the file of the Judicial Magistrate No-II, Tindivanam, and quash the same.

For Petitioner : Mr.K.Shyamsunder
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed seeking to quash the proceedings in P.R.C.No.8 of 2016 on the file of the Judicial Magistrate No-II, Tindivanam.

2. The petitioner is arrayed as A4 in the final report. The learned counsel for the petitioner would submit that there are absolutely no materials against the petitioner. In order to substantiate the same, the learned counsel for the petitioner brought to the notice of this Court, the statements given by certain witnesses and submitted that the witnesses could not have witnessed the incident and the name of the petitioner has been falsely added in this case.

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3. The learned counsel also questioned the manner in which the recovery has taken place in this case.

4. The grounds that have been raised by the petitioner cannot be gone into by this Court and it requires appreciation of evidence, which can be done only before the Concerned Court, during the course of trial. The petitioner is at liberty to raise all these contentions in the course of proceedings and the same shall be considered on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.

5. In view of the above, this Criminal Original Petition is disposed of, with the above directions. The Judicial Magistrate -II, Tindivanam, shall issue copies to the accused persons on 30.01.2019 and immediately thereafter the case shall be committed to the Concerned Sessions Court. The Sessions Court shall complete the entire proceedings within a period of three months thereafter. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm/gsp

To
1. The Judicial Magistrate No-II,
Tindivanam.

2. The Sessions Court,
Tindivanam.

3. The Inspector of Police,
Brammadesam Police Station,
Villupuram District.

4.The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.K.Shyamsunder, Advocate sr.no.87808

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