



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.(MD).No.10220 of 2014

and

M.P.(MD) No.1 of 2014

1.S.Venkatachalam
2.K.Selvaraj
3.R.P.Ramachandran
4.V.Velayuthamoorthy
5.P.Subramanian
6.S.Muthukumarasamy
7.T.S.Viswanathan
8.A.Kulasekara Pattar

...Petitioners/Accused Nos.1,2,4,6,
7,10,11 and 14

Vs.

1.State represented by
The Sub Inspector of Police
City Crime Branch
Tirunelveli City
(Crime No.49 of 2007)

...1st Respondent/Complainant

S.Muthiah

...2nd Respondent/Defacto Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the impugned charge sheet laid in C.C.No.238 of 2009 on the file of the Judicial Magistrate No.I, Tirunelveli and quash the same in so far as the petitioners herein are concerned.

For Petitioners	: Ms.J.Anandavalli
For R1	: Mr.K.Dinesh Babu
	Additional Public Prosecutor
For R2	:P.Senthur Pandian

O R D E R

This quash petition is filed to call for the records in C.C.No.238 of 2009 on the file of the Judicial Magistrate No.I, Tirunelveli and quash the same.

2.The learned counsel appearing for the petitioners would submit that the first petitioner in this petition was died. The submission made by the learned counsel for the petitioners is recorded. Therefore, the charge against the first petitioner is abated. Accordingly, this criminal original petition is dismissed as abated as far as the first petitioner is concerned.



3.The learned Additional Public Prosecutor appearing for the respondent would submit that the trial has been commenced in this case.

4.It is seen from the records that there is an incriminating material to attract the charges as against the petitioners. Therefore, this Court finds that there is no merit in the petition to quash the case in C.C.No.238 of 2009. Hence, this Court is of the view that the grounds raised in the petition have to be gone into in a full fledged trial.

5.Taking note of the year of C.C.No.238 of 2009, the Judicial Magistrate No.I. Tirunelveli is directed to conclude the entire trial proceedings within a period of six months from the date of receipt of a copy of this order. Considering the age of the petitioners, the personal appearance of the petitioners before the trial Court is dispensed with, except the dates of hearing, on which, the learned Judicial Magistrate insisted upon the petitioners to appear before the Court.

6.With these directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-II)

To

1.The Judicial Magistrate No.I,
Tirunelveli.

2.The Sub Inspector of Police
City Crime Branch
Tirunelveli City

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.ANANDHAVALLI, Advocate, SR.No.85976

+1cc to Mr.P.SENTHUR PANDIAN, Advocate, SR.No.85382

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MSA