



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.[MD].No.10978 of 2014
and M.P.[MD].No.1 of 2014

Thangammal

: Petitioner

Vs.

1. The Additional Director General of Police,
Social Justice and Human Rights,
Chennai.
2. The District Collector,
Office of the District Collector,
Madurai District, Madurai.
3. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
4. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Peraiyoor Sub-Division, Madurai District.
5. The Inspector of Police,
Sedapatti Police Station,
Madurai District.
6. The Dean,
The Government Rajaji Hospital,
Madurai District.

: Respondents

PRAYER : This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent Nos.1, 3 and 4 to include Section 376 of IPC and 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the relevant provisions from the prevention of Children from Sexual Offences Act 2012 in Crime No.119 of 2014, on the file of the respondent No.5 within the time stipulated by this Court and consequently direct the respondent Nos.1, 3, 4 and 6 to conduct forensic medical examination by a team of doctors in Government Rajajaji Hospital for the petitioner's daughter namely, Pitchaipandiyammal within the time stipulated by this Court.



For Petitioner
For Respondents

: Mr.R.Alagumani
: K.Dinesh Babu
Additional Public Prosecutor

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ORDER

This petition has been filed to direct the respondent Nos.1, 3 and 4 to include Section 376 of IPC and 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the relevant provisions from the prevention of Children from Sexual Offences Act 2012 in Crime No.119 of 2014, on the file of the respondent No.5 within the time stipulated by this Court and consequently direct the respondent Nos.1, 3, 4 and 6 to conduct fresh medical examination by a team of doctors in Government Rajajaji Hospital for the petitioner's daughter namely, Pitchaipandiyammal.

2. The learned Additional Public Prosecutor would submit that the trial has been completed and P.Ws.1 and 2 have been examined in Spl.S.C.No.35 of 2015, on the file of the learned Chief Judicial Magistrate, Madurai, for the offences under Sections 366-A, 109 of IPC and r/w Section 3(1)(r)(s) (w) (1) of the Scheduled Caste and Scheduled Tribe(Prevention of Atrocities) Amendment ordinance Act 2014.

3.It is seen from the records that no ground is raised by the learned counsel for the petitioner to quash the criminal proceedings against him. The grounds raised in the petition have to be gone into in a full fledged trial. Moreover, as submitted by the learned Additional Public Prosecutor, in this case, trial has been commenced and P.Ws.1 and 2 were examined. Therefore, this Court is of the view that this criminal original petition is liable to be dismissed.

4.Accordingly, this criminal original petition is dismissed. However, considering the year of the case, the learned learned Chief Judicial Magistrate, Madurai is directed to dispose of the case, within a period of six months from the date of receipt of a copy of this order. The petitioner is at liberty to raise all the grounds before the trial Court. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Crl.side)

/True Copy/



To

1. The Chief Judicial Magistrate, Madurai.
2. The Additional Director General of Police,
Social Justice and Human Rights, Chennai.
3. The District Collector, Office of the District Collector,
Madurai District, Madurai.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
5. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Peraliyoor Sub-Division, Madurai District.
6. The Inspector of Police, Sedapatti Police Station,
Madurai District.
7. The Dean, The Government Rajaji Hospital,
Madurai District.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.ALAGUMANI, ADVOCATE IN SR No. 86974

SJI

TE/PM/SAR-1 : 31/10/2018 : 3P/10C

CrI.O.P.[MD].No.10978 of 2014 and
M.P.[MD].No.1 of 2014
24.09.2018