



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM:

**THE HONOURABLE MR. JUSTICE P. RAJAMANICKAM**

CRL.O.P. (MD) No.4257 of 2018

and

Crl.M.P. (MD) .Nos.2085 and 2086 of 2018

Hemalatha

... Petitioner/sole Accused

-Vs-

1. State rep. By  
The Inspector of Police,  
Sipcot Police Station,  
Sivagangai District.  
(Cr.No.70/2008)

... 1<sup>st</sup> Respondent/Complainant

2. Loganayagi,  
Block Development Officer,  
Manamadurai,  
Sivagangai District.

... 2<sup>nd</sup> Respondent/Defacto  
Complainant

**PRAYER:** Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.66 of 2009 on the file of the Additional District Cum Judicial Magistrate, Manamadurai and quash the same as illegal.

For Petitioner : Mr.R.Gandhi

For Respondent-1 : Mr.Prabhu Ramachandran

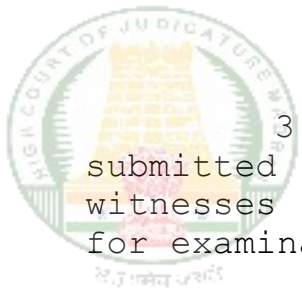
Govt. Advocate (Crl.Side)

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### **O R D E R**

This petition has been filed by the accused to quash the proceedings in C.C.No.66/2009 on the file of the Additional District Munsif cum Judicial Magistrate, Manamadurai.

2.The learned counsel for the petitioner has submitted that the petitioner is the Panchayat President and the allegation against the petitioner is that he has used JCB earth movers for desilting the Kanmoi (water body) in stead of manually doing the said work. He further submitted that the District Collector, after enquiry, has exonerated the petitioner from all the charges levelled against him and hence, he requests to quash the



3.The learned Government Advocate (Crl.Side) has submitted that case was filed in the year 2009 and already, two witnesses were examined and now, the case is posted to 28.05.2018 for examination of other witnesses.

4.Considering the fact that the case is pending from the year 2009 and also the fact that already, two witnesses were examined on the side of the prosecution, the Additional District Munsif cum Judicial Magistrate, Manamadurai is directed to advance the hearing from 28.05.2018 and conduct the case by posting the same on day-to-day basis and dispose of the said case within 3 months from the date of receipt of copy of this order. The first respondent police is directed to produce all the witnesses, without taking unnecessary adjournments. The petitioner is also directed to cross-examine the prosecution witnesses, whenever they are examined before the trial court, without seeking adjournments. It is open to the petitioner to raise all the defences, which are available under the law.

5.With the aforesaid direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Cum Judicial Magistrate,  
Manamadurai
2. The Inspector of Police,  
Sipcot Police Station,  
Sivagangai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to R.Gandhi, Advocate Sr.No.58535

VS

VB/KKR/SAR1/24.04.2018/2P/5C