



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.14261 of 2017

and

CRL.M.P. (MD) Nos.9512 and 9513 of 2017

R.Mohanasri

... Petitioner/Accused

-Vs-

The Judicial Magistrate
Manapparai, Trichy District.

... Respondents/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records relating to the order, dated 26.09.2017 in S.T.C.No.509 of 2017 on the file of learned Judicial Magistrate, Manapparai and quash the same.

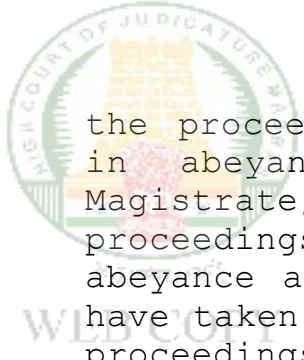
For Petitioner : Mr.AR.L.Sundaresan Sr. Counsel
for Mr.J.Anandkumar

For Respondent : Mr.R.Aravindan,
Standing Counsel for Respondent

ORDER

This petition has been filed challenging the order, dated 26.09.2017, made in S.T.C.No.509 of 2017 by the learned Judicial Magistrate Manapparai, initiating proceedings against the petitioner under Section 174(2) of I.P.C and Section 350 of Cr.P.C. On going through the records, it is seen that the petitioner was working as a Special Tahsildar, Civil Supplies, Trichy. The petitioner was called as a witness in a case which was pending in C.C.No.89 of 2016. The case was posted for hearing on several dates. But however, the petitioner was not able to be present before the Court and therefore the Judicial Magistrate, Manapparai thought it fit to initiate proceedings against the petitioner on the ground that the petitioner has disobeyed the order of the Court and has willfully not attended the Court in order to give evidence. The learned Senior counsel Mr.AR.L.Sundaresan, would submit that subsequently, the petitioner had appeared before the Court as witness and had also deposed before the Court and ultimately C.C.No.89 of 2016 came to be finally decided on 10.01.2018 and the final judgment was passed acquitting the accused persons in the said case. From the judgment it is seen that the petitioner was examined as PW8.

2.In view of the fact that the petitioner had deposed before the court as a witness and was examined as PW8 and the case itself has come to an end, no useful purpose will be served by keeping



the proceedings initiated by the Judicial magistrate, Manapparai in abeyance. The proceedings initiated by the Judicial Magistrate, Manapparai has become stale and therefore the proceedings initiated against the petitioner need not be kept in abeyance any longer. In view of the subsequent development that have taken place in this case this Court deems it fit to quash the proceedings initiated against the petitioner by the Judicial Magistrate, Manapparai, by his order, dated 26.09.2017.

3. Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner by the Judicial Magistrate, Manapparai, by his order, dated 26.09.2017, in S.T.C.No.509 of 2017 is quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(Cs-I)

To

The Judicial Magistrate, Manapparai,
Trichy District.

+1cc to Mr.J.Anandkumar, Advocate Sr.No.81087

+1cc to Mr.R.Aravindan, Advocate Sr.No.81616

TM

VB/SKN/SAR1/17.09.2018/2P/4C

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