



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.11.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.(MD) No.20013 of 2018 and
CrI.M.P(MD) Nos.9196 and 9197 of 2018

Ganesan
Sub Inspector of Police,
Bodi Town Police Station,
Theni District,
Now at
Inspector of Police,
Pudhuchatram Police Station,
Namakkal District.

... Petitioner / A4

-vs-

1. The State rep. by
The Inspector of Police,
District Crime Branch,
Theni District.

... Respondent/Complainant

2. V.Selvam

... Respondent/de-facto complainant

PRAYER : Criminal original petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the impugned charge sheet in C.C.No.30 of 2012 pending on the file of the Judicial Magistrate, Theni, Theni District.

For Petitioner : Mr.P.Senguttuarasan
For Respondents : Mr.R.Anandharaj
Addl. Public Prosecutor for R1

O R D E R

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.30 of 2012 pending on the file of the Judicial Magistrate, Theni, Theni District.

2.The learned counsel for the petitioner would submit that the petitioner/A4 is a Sub-Inspector of Police and the only allegation against him is that he has registered the First Information Report and had handed over the case to the fifth accused for investigation. He would submit that the case against the fifth accused was split up and after trial, the fifth accused has been acquitted. He would also submit that none of the witnesses have spoken or attributed anything against the present petitioner herein.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is seen from the records that the case is pending from



the year 2012. This Court is of the opinion that all the grounds raised by the petitioner can be raised before the trial Court.

4. In the facts and circumstances of the case, the learned Judicial Magistrate, Theni is directed to complete the proceedings in C.C.No.30 of 2012 as expeditiously as possible preferably, within a period of three months from the date of receipt of a copy of this order. Taking into consideration the fact of the case that the petitioner is Sub-Inspector of Police, his presence before the trial Court shall be dispensed with on condition that he shall be present for receiving charge sheet, for initial questioning and for answering the charges, at the time of questioning under Section 313 Cr.P.C and passing of judgment.

5. The petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the prosecution witnesses on the day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event if their presence is insisted by the trial Judge for the purpose of identification. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, in **State of Uttar Pradesh Vs. Shambunath Singh**, reported in **(2001)4 SCC 667**.

6. With the above directions, this criminal original petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Wrts)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Judicial Magistrate, Theni.
2. The Chief Judicial Magistrate, Theni District.
3. The Inspector of Police,
District Crime Branch,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.P.SENGUTTUARASAN, ADVOCATE IN SR No. 96430

SKN

TE/VR/SAR-3 : 21/12/2018 : 2P/6C