



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE **G.R. SWAMINATHAN**

CrI.O.P.(MD).No.13838 of 2013
and
M.P(MD) No.1 of 2013

1.Sukumar
2.V.Shanmugavel

...Petitioners/Accused No.2 and 3

Vs.

1.The State represented by its
Inspector of Police,
C.C.I.W., Dindigul,
Dindigul District.

...1st Respondent/Complainant

2.M.Mangalasamy

...2nd Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records and set aside the order passed in Cr.M.P.No.7796 of 2011 in C.C.No.33 of 2008 dated 20.06.2013 on the file of the Judicial Magistrate No.III, Madurai.

For Petitioner : Mr.S.C.Herold Singh

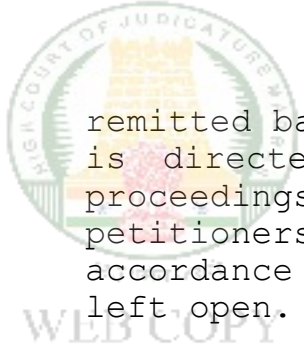
For R-1 : Mr.A.Robinson,
Government Advocate(CrI.Side).

For R-2 : Mr.C.G.Pethanaraj

O R D E R

The petitioners have been arrayed as accused 2 and 3 in C.C.No.33 of 2008, on the file of the Court of Judicial Magistrate No.III, Madurai. Their names were deleted from the final report. Thereafter, at the instance of the second respondent herein, invoking the power under Section 319 Cr.P.C., the petitioners have been made as accused 2 and 3. It is not in dispute that when the original accused took out an application for roping these petitioners as accused, they were not heard and therefore, the order passed by the trial Magistrate, arraying these petitioners also as accused, is in violation of principles of natural justice.

2.In that view of the matter, the order impugned in this Criminal Original Petition, stands set aside. The matter is



remitted back to file of the trial Magistrate. The trial Magistrate is directed to cause notice to the petitioners herein, in the proceedings in Cr.M.P.No.7796 of 2011 and after hearing the petitioners herein, shall pass appropriate orders afresh, in accordance with law . It is made clear that all the contentions are left open.

3.This Criminal Original Petition is allowed accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.TheJudicial Magistrate No.III,Madurai.

2.The Inspector of Police,
C.C.I.W., Dindigul,
Dindigul District.

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

+1cc to Mr.R.Saravanan, Advocate, SR.No.63062

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No.63151

Crl.O.P.(MD) .No.13838 of 2013
and
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KK/KKR/SAR 2/22.05.2018/2P/6C