

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.06.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.11670 of 2019
and Crl.M.P Nos.6035 & 6038 of 2019

A.Subburathinam

Petitioner

vs.

1. The Inspector of Police,
City Crime Branch,
Coimbatore City, Coimbatore.

2. R.Padmanabhan

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the impugned charge sheet in C.C.No.770 of 2014 on the file of the learned Judicial Magistrate No.VI, Coimbatore and quash the same.

For Petitioner : Mr.K.Raja

For R1 : Mr.C.Raghavan
Government Advocate (Criminal Side)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.770 of 2014 pending on the file of the learned Judicial Magistrate No.VI, Coimbatore.

2. The petitioner before this Court has been added as A4 in the final report.

3. The learned counsel for the petitioner submitted that the competent authority for issuance of patta under the Patta Pass book Act is only the Tahsildar of the respective taluk and the petitioner was only working as Village Administrative Officer and he had no role to play in the issuance of patta. The learned counsel for the petitioner submitted that the patta was issued strictly in compliance with the Patta Pass book Act and the petitioner cannot be roped in as an accused for certain acts done by him in the course of his official duty. The learned counsel further submitted that the petitioner was permitted to retire from his service and he should not be made to undergo the trial before the Court below and the entire proceedings is an abuse of process of Court in so far as the petitioner is concerned.

4. The learned Government Advocate (Criminal Side) submitted that there are prima facie materials against the petitioner and three of the witnesses have clearly spoken about the role played by the petitioner in the commission of the offence.

5. This Court has carefully considered the submission made on either side and also perused the materials placed on record.

6. The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

7. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner considering his age. The presence of the petitioner is dispensed with and he shall be represented by a counsel who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

8. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssr

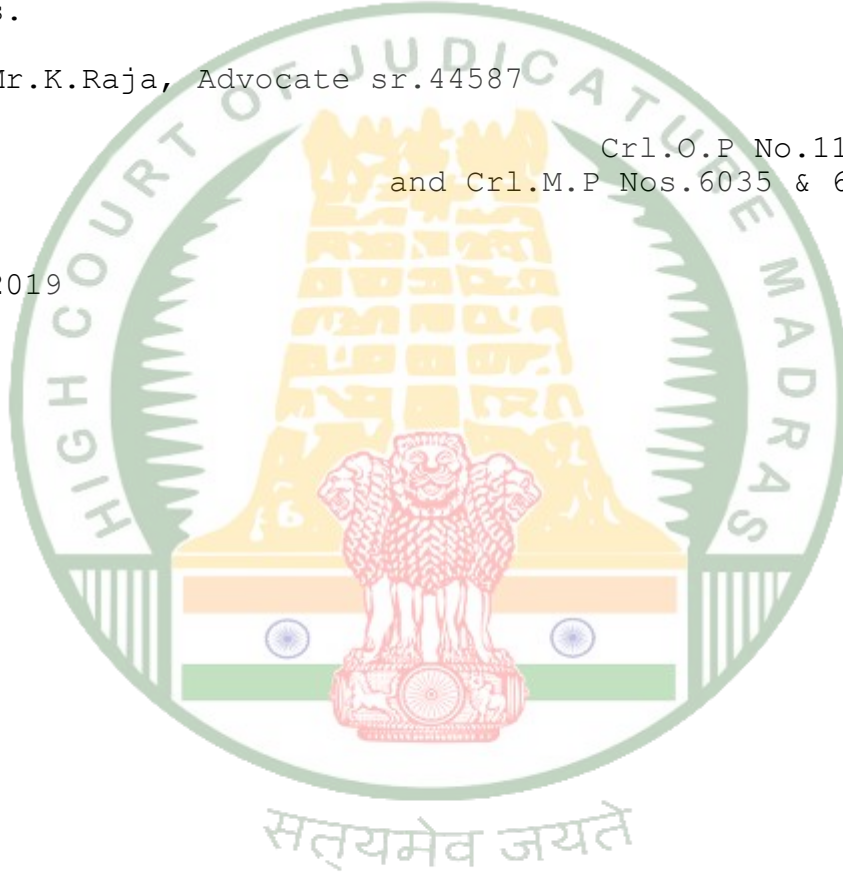
To

1. The Judicial Magistrate No.VI,
Coimbatore.
2. The Inspector of Police,
City Crime Branch,
Coimbatore City, Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.K.Raja, Advocate sr.44587

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