

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.05.2019

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.14042 of 2019

Kaleeswaran

..Petitioner

Vs.

1.The Director General of Police,
No.I, Dr.Radhakrishna Salai,
Mylapore, Chennai - 600 004.

2.The Sub-Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of declaration declaring that the acquittal of the petitioner in C.C.No.149 of 2015 on the file of the learned Judicial Magistrate No.II, Ramanathapuram, dated 03.02.2018, is held to be Hon'ble Acquittal.

For Petitioner :M/s.RM.Arun Swaminathan

For Respondents:Ms.M.Prabhavathi
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This Writ petition has been filed seeking for declaring the judgment of Acquittal passed in favour of the petitioner in C.C.No.149 of 2015, by the learned Judicial Magistrate No.II, Ramanathapuram, dated 03.02.2018, to be a Hon'ble Acquittal.

2. It is seen from the records that the petitioner along with three other accused persons faced trial before the Court below for an offence under Sections 294(b) and 323 of IPC. The petitioner was arrayed as A4 in the case.

3. After the charges were framed, the prosecution examined six witnesses and marked seven documents. The trial Court after analysing the entire materials available on record gave a categorical finding that except for the evidence of PW.1, none of the other witnesses have supported the case of the prosecution. The trial Court has held that even if the evidence of PW.1 is taken as it is, no offence has been made out against the accused persons. The trial Court has elaborately considered the evidence adduces by the witnesses and has found that the prosecution has failed to prove the case beyond reasonable doubts against the accused persons. However, the trial Court has proceeded to record a finding that the benefit of doubt is given to the accused persons.

4. The learned counsel for the petitioner submitted that the trial Court having found that the prosecution did not prove the case against the accused persons beyond reasonable doubts, ought not to have also given a finding that the benefit of doubt is given to the accused persons. Therefore, the learned counsel submitted that the judgment of acquittal was made on merits and it was a Hon'ble Acquittal.

5. This Court has carefully considered the submissions made on either side.

6. It is seen from the records that the trial Court had given a categorical finding that the prosecution has miserably failed to establish the guilt of the accused persons. Therefore, this finding must only lead to a Hon'ble Acquittal and it cannot be an Acquittal on the ground of benefit of doubt.

7. In view of the above finding, the acquittal of the petitioner in C.C.No.149 of 2015, on the file of the learned Judicial Magistrate No.II, Ramanathapuram, dated 03.02.2018, is hereby declared to be a Hon'ble Acquittal.

8. This Writ Petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

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To

1.The Director General of Police,
No.I, Dr.Radhakrishna Salai,
Mylapore, Chennai - 600 004.

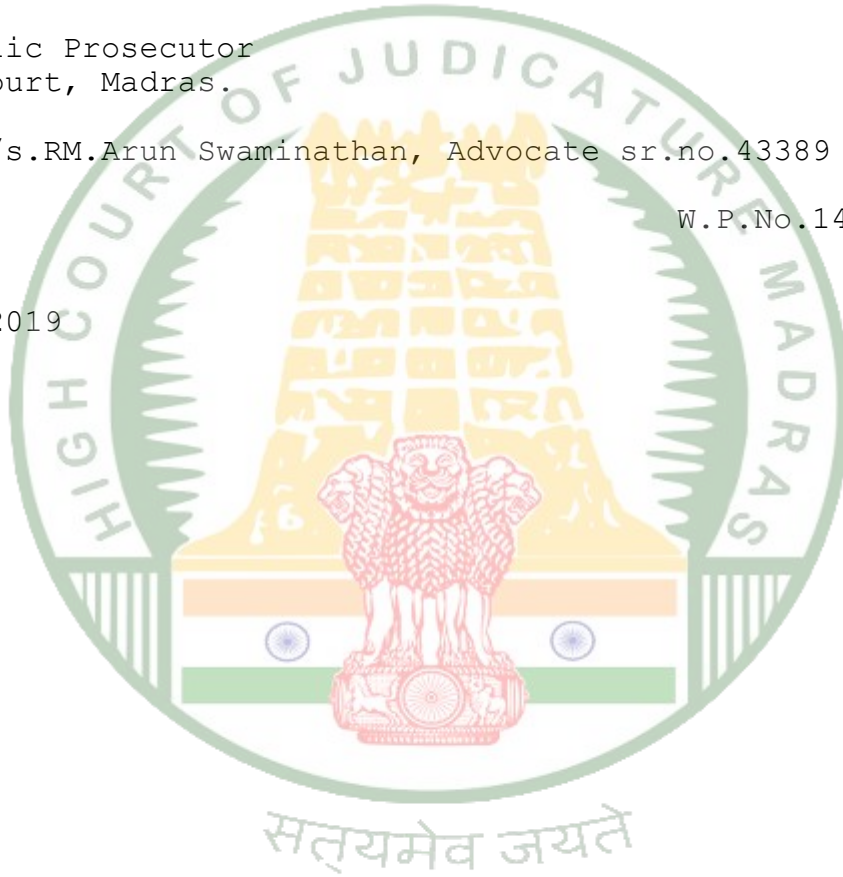
2.The Sub-Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.

3.The Public Prosecutor
High Court, Madras.

+lcc to M/s.RM.Arun Swaminathan, Advocate sr.no.43389

W.P.No.14042 of 2019

mp(co)
nr 10/05/2019



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