

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.14309 & 14321 of 2019

and

Crl.M.P.Nos.6945 to 6947 & 6949 of 2019

1. Sadhasivam ... Petitioner in Crl.O.P.No.14309 of 2019
2. S.Baduru Jaman ... Petitioner in Crl.O.P.No.14321 of 2019

-Vs-

The State rep. by the
Inspector of Police,
CBCID Perambalur District. ... Respondent in both the Crl.O.Ps

Common Prayer: Criminal Original Petitions are filed under
Section 482 of Code of Criminal Procedure, to set aside the
charges framed on 20.07.2011 by the Learned Chief Judicial
Magistrate in C.C.No.1 of 2011 (C.C.No.3 of 2016) by allowing
the present petition.

For Petitioners
in both the Crl.O.Ps : Mr.P.Paramasiva Doss

For Respondent
in both the Crl.O.Ps : Mr.M.Mohamed Riyaz
Additional Public prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed
challenging the charges framed by the Court below on 20.07.2011.

2. It is seen from records that the cases were taken on file
in the year 2011 and charges were framed on 20.07.2011.
Thereafter, there is absolutely no progress and the cases were
transferred to the file of the Chief Judicial Magistrate,
Ariyalur in the year 2016 and from then onwards, the cases are
pending.

3. This Court is not inclined to interfere with the
proceedings at this stage and that too, after 8 years after the

charges were framed. A combined reading of Section 215 and 264 of Cr.P.C makes it clear that unless irregularity or omission in framing charges has mislead or caused prejudice to the accused in his defence and had occasioned failure of justice, it will not vitiate the trial. Such irregularities is even curable under Section 465 of Cr.P.C.

4. When above is the settled legal preposition, this Court is not inclined to interfere with the proceedings after nearly 8 years after the charges have been framed. It is always left open to the petitioners to agitate the same in the course of trial and the Court below shall deal with the same in accordance with law and the Court below has abundant power under Section 216 of Cr.P.C to alter the charges at any point to time.

5. In view of the above, this Court does not find any ground to interfere with the charges framed by the Court below and accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate,
Perambalur.

2. The Inspector of Police,
CBCID Perambalur District.

3. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.P.Paramasiva Doss, Advocate sr.47068

Crl.O.P.Nos.14309 & 14321 of 2019
and

Crl.M.P.Nos.6945 to 6947 & 6949 of 2019

ppa(co)
nr 25/07/2019