

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.06.2019

CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15873 of 2019
and
Crl.M.P.Nos.7918 & 7919 of 2019

A.Asia Begum

...Petitioner

-Vs-

State rep by
The Inspector of Police (Crime),
Dharapuram P.S.,
Dharapuram,
Thirupur District.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for records in S.T., C.No.1138 of 2019 pending on the file Court of Judicial Magistrate No.III, Tiruppur and quash the same.

For Petitioner : Mr.P.K.Sabapathi

For respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the initiation of proceedings by the Court below against the petitioner under Section 344 of Cr.P.C. on the ground of giving false evidence.

2. The learned counsel for the petitioner submitted that for the show cause notice dated 10.01.2019 issued by the learned Judicial Magistrate, Dharapuram, the petitioner has already given his reply. In the mean time, appeals have been preferred against the main judgment, in C.A.Nos.4 and 6 of 2019 and the appeals are pending. The learned counsel therefore submitted that in terms of Section 344(4) of Cr.P.C., the proceedings will have to be stayed/kept in abeyance till the disposal of the appeals and the proceedings will have to abide by the result of the appeals.

3. The learned counsel for the petitioner submitted that in spite of the same being informed to the Court below, the Court below is proceeding further with the summary trial and therefore, left with no other option, the present petition has been filed before this Court.

4. Heard the learned Additional Public Prosecutor appearing on behalf of the respondent Police.

5. It is seen that the Court below has initiated proceedings under Section 344 Cr.P.C. against the petitioner on the ground that the petitioner has given a false evidence when she was examined as PW1 in C.C.No.455 of 2015. Even in the final judgment, a finding has been given to the effect that the petitioner has given false evidence. The Court below has issued show cause notice to the petitioner. The petitioner has also given the explanation to the show cause notice.

6. In the mean time, A2 has filed C.A.No.4 of 2019 and A1 has filed C.A.No.6 of 2019 against the final judgement in C.C.No.455 of 2015. In view of the same, Section 344(4) of Cr.P.C. comes into operation and the proceedings should be kept in abeyance till the disposal of the appeals and the proceedings shall abide by the result of the appeals. It is therefore clear that the Court below cannot proceed further with the proceedings initiated under Section 344 Cr.P.C. and it has to necessarily await the decision in the appeal.

7. This Criminal Original Petition is disposed of with a direction to the Court below to keep S.T.C.No.1138 of 2019 in abeyance and shall not proceed further with the case till the disposal of the appeals filed by the accused persons and pending in C.A.No. 4 and 6 of 2019. The case will be taken up for hearing only after the disposal of the appeals. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

rri/kal

To

1.The Judicial Magistrate, No.III,
Tirupur.

2.-do- Thro' The Chief Judicial Magistrate,
Tiruppur.

3.The Inspector of Police (Crime),
Dharapuram P.S.,Dharapuram,
Thirupur District.

4.The Public Prosecutor,
High Court, Madras.

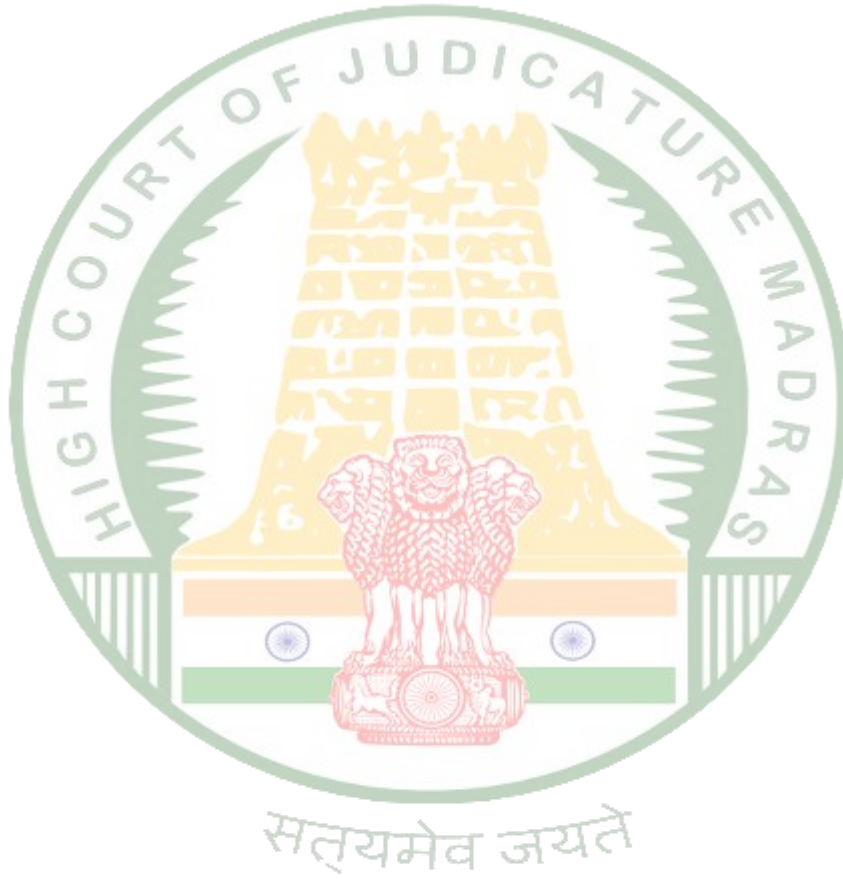
+lcc to Mr.P.K.Sabapathi, Advocate, S.R.No.50959

CrI.O.P.No.15873 of 2019
and

CrI.M.P.Nos.7918 & 7919 of 2019

VD(CO)

RRS (16/07/2019)



WEB COPY