

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16889 of 2019 and Crl.MP No.8506 of 2019

Chitra

...Petitioner

Vs.

The State Represented by Inspector of Police,
DCB, Namakkal District.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to set aside the Form No.48 issued by the learned Judicial Magistrate II, Namakkal to the petitioner.

For Petitioner :Mr.T.Dharmarajan

For Respondent :Mr.M.Mohammed Riyaz
Additional Public prosecutor

O R D E R

This petition has been filed challenging the notice issued by the Court below under Form No.48 for breach of bond conditions imposed against the petitioner at the time of returning of certain articles during the pendency of the investigation.

2. The petitioner was examined as PW1 and in the entire Chief examination, she has not supported the case of the prosecution and she has turned into a hostile witness and the prosecution has sought for permission of the Court to cross-examine PW1. At that stage, a question was put regarding the articles that were returned to the petitioner at the time of investigation and for which, the petitioner has also executed a bond to the effect that the petitioner will produce the articles at the time of trial. The petitioner had stated that since she was suffered from penury, she had sold all the household articles in order to run her livelihood and to take care of her children.

3. In view of this statement made by the petitioner, the Court below has proceeded to issue a notice against the

petitioner under Form 48 on the ground that the petitioner has breached the bond conditions.

4. The petitioner has not supported the case of the prosecution and therefore, no useful purpose will be served by keeping the proceedings pending. The list of articles that is annexed along with the petition would shows that all these articles are household articles which are used on a day to day basis. Therefore, the proceedings against the petitioner for breach of bond will also be a wasteful exercise, since ultimately the prosecution case will not be supported by the petitioner.

5. In view of the above, the proceedings in SC No.168 of 2018 pending on the file of the Principle Sessions Judge, Namakkal is hereby quashed and consequently, the notice issued against the petitioner under Form 48 dated 22.02.2019 is also set aside.

6. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sessions Judge,
Namakkal.

2.The Judicial Magistrate II,
Namakkal.

3. The Inspector of Police,
DCB, Namakkal District.

4.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.T.Dharmarajan, Advocate Sr.54268

Cr1.O.P.No.16889 of 2019

vj II[col]
srg 04/07/2019