

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. No. 17497 of 2014
and
M.P. Nos. 1 & 2 of 2014

Mohammed Amjad

...Petitioner

Vs.

1.State by Inspector of Police
S2 Air Port Police Station
Chennai.

2.The Inspector of Police
Organized Crime Unit.II
Crime Branch CID
Chennai 600032.

3. J.Nagarajan
Senior Immigration Officer
Chennai International Air Port
Chennai 600 027.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C. No. 472 of 2010 on the file of the Learned Judicial Magistrate, Alandur, Chennai-16 and quash the same insofar as it relates the petitioner herein.

For Petitioner : Mr.P.Ponpandian

For RR1 & 2 : Mr.M.Mohamed Riyas
Additional Public Prosecutor

For RR3 : No Appearance

ORDER

This Criminal Original Petition has been filed to call for the records in C.C. No. 472 of 2010 on the file of the Learned Judicial Magistrate, Alandur, Chennai-16 and quash the same insofar as it relates the petitioner herein.

2. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Without any

base, the first respondent police registered a case in Crime No.65 of 2009 for the offences under Sections 12(1)(b) and 12(2) of Passport Act r/w Section 420, 468, 471 of IPC, as against the petitioner and others and filed charge sheet in C.C.No.472 of 2010 before the Judicial Magistrate, Alandur, Chennai. Hence he prayed to quash the same.

3. The learned Additional Public Prosecutor would submit that there are specific allegations as against the petitioner to attract the offence under Sections 12(1)(b) and 12(2) of Passport Act r/w Section 420, 468, 471 of IPC. He further submitted that all the points raised by the petitioner have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

4. Heard Mr.P.Ponpandian, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents 1 & 2.

5. It is seen from the charge there are specific averments to attract the offences as against the petitioner. Further it is also seen that there are materials to connect the petitioner to the offences. More over all the points raised by the petitioner have to be considered only during the trial. The petitioner at liberty to raise all the points before the Court below during the trial.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.472 of 2010. However, considering the case is of the year 2010, the trial Court is directed to complete the trial proceedings within a period of three months from the date of receipt of copy of this Order.

7. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

pds/lok

To

1. The Inspector of Police
S2 Air Port Police Station
Chennai.

2.The Inspector of Police
Organized Crime Unit.II
Crime Branch CID
Chennai 600032.

3.The Judicial Magistrate,
Alandur, Chennai-16.

4.The Public Prosecutor,
High Court of Madras

CrI.O.P. No. 17497 of 2014

SSI (CO)

RRS (03/05/2019)



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