

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Cr1.O.P.No.22253 of 2019

P.Jegan

.. Petitioner/A-19

Vs.

1.State represented by the Sub Inspector of Police,
Kalapet Police Station,
Pondicherry.

2.P.Santhosh Kumar .. Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records relating to the impugned charge sheet in S.C.No.8 of 2007 on the file of the Principal Assistant sessions Judge at Puducherry and quash the same as for as the petitioner is concerned.

For Petitioner : Mr.K.S.Ilangovan

For R1 : Mr.D.Bharathachakravarthi
Public Prosecutor (Pondicherry)

For R2 : No appearance

ORDER

The petitioner herein has been charged for offences under Section 148, 324, 326, 307 IPC r/w 149 of IPC. The incident which culminated into a First Information Report, is a group clash between two groups of students of the Government Law College of Pondicherry. The petitioner herein has been arrayed as 19th Accused. As per the 161 Cr.P.C., statement of L.W.18, L.W.19 and L.W.20, the petitioner was implicated on the basis of the statement therein that he had assaulted the victim with an iron rod. Apart from these three witnesses, there is no other overtact as against this petitioner. Subsequently, during the course of trial, L.W.18 was dispensed with and insofar as L.W.19 and L.W.20 are concerned, they have not implicated the petitioner and there is absolutely no overtact to connect the petitioner with the offences.

2.The copies of the chief examination has been proudced before this Court which was perused. When the only two witnesses had earlier implicated the petitioner in their 161 Cr.P.C., statement, had now turned hostile and have not mentioned the name of the petitioner herein, this Court is unable to appreciate as to how the trial Court can convict this petitioner.

3.In the absence of any incriminating material or evidence as against this petitioner, I am of the view that the petitioner need not undergo the ordeal of the criminal proceedings before the trial Court. In view of the conclusion that the trial Court could arrive, this would be an appropriate and fit case where the extraordinary powers of this Court can be invoked for quashing the proceedings as against the petitioner.

4.In the light of the above observations, the impugned charge sheet in S.C.No.8 of 2007 on the file of the Principal Assistant sessions Judge at Puducherry , insofar as the petitioner/ 19th accused is concerned, stands quashed and this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pnn

To

1.The Princiapl Asst.Sessions Judge,
Puducherry.

2.The Sub Inspector of Police,
Kalapet Police Station,
Pondicherry.

3.The Public Prosecutor(Pondy) ,
High Court, Madras.

+1cc to the Public Prosecutor(Puducherry) ,
Advocate SR.78762

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BR(CO)
CB(01/11/2019)