

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.12951 of 2017

and

CRL. M.P. Nos.8421 & 8422 of 2017

K. Kulasekaran

... Petitioner

-vs-

1. The Station House Officer,
Protection of Civil Rights Cell,
Gorimedu, Pondicherry
(Crime No.15 of 2008)

2. S. Gunasekaran
Sub Editor,
Information Department,
Pondicherry

... Respondents

Prayer:- Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in Crl. M.P. No.731 of 2010 on the file of the Chief Judicial Magistrate, Puducherry and set aside the same.

For Petitioner : No appearance

For Respondent-1 : Mr.V. Balamurugan
Additional Public Prosecutor
(Pondichery)

For Respondent-2 : No appearance

O R D E R

This Criminal Original Petition has been filed challenging the order dated 28.10.2010 in Crl. M.P. No.731 of 2010 on the file of the learned Chief Judicial Magistrate, Puducherry.

2. It is seen that the second respondent lodged complaint as against the petitioner and others in Crime No.15 of 2018 before the first respondent police. The second respondent after completion of enquiry closed the case as "Mistake of Fact"

and filed referred charge sheet before the concerned jurisdictional Magistrate. After receipt of the referred charge sheet notice, the second respondent herein filed a protest petition in Crl.M.P.No.731 of 2010 before the learned Chief Judicial Magistrate, Puducherry. After recording the second respondent's statement and other two witnesses, the learned Chief Judicial Magistrate has taken cognizance for the offences under Section 7(1)(d) of Prevention of Civil Rights Act 1955 and issued summon to the petitioner. On receipt of the same, the petitioner filed this petition challenging the order passed by the learned Chief Judicial Magistrate, Puducherry dated 28.10.2018, thereby taken cognizance as against the petitioner.

3. It is also seen that there are totally five accused persons, in which the learned Chief Judicial Magistrate, Puduchery has taken cognizance only as against the petitioner and in respect of others no offence has been made out. It is also seen from the statement recorded by the learned Chief Judicial Magistrate, Puduchery, there is prima facie case made out, to constitute the offence under Section 7(1)(d) of Prevention of Civil Rights Act, 1955. Therefore this Court finds no merits in this petition to interfere with the order passed by the learned Chief Judicial Magistrate, Puducherry, and this petition is liable to be dismissed.

4. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Station House Officer,
Protection of Civil Rights Cell,
Gorimedu, Pondicherry

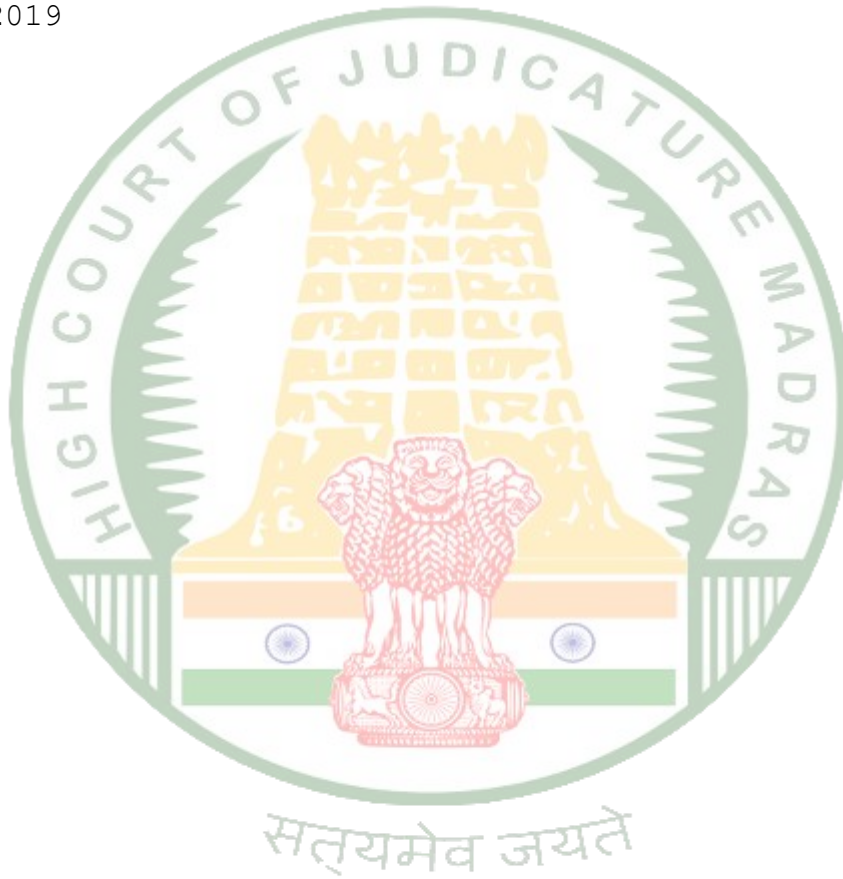
2.The Chief Judicial Magistrate,
Puducherry.

+1cc to The Public Prosecutor, Puducherry sr.27700

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and

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