

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.26119 of 2019

Singaram .. Petitioner/Detenué complainant

Vs.

1.State, Represented by,
The Inspector of Police,
District Crime Branch,
Namakkal. ... Respondent 1/Complainant

2.Vijayalakshmi
3.Muralikrishnan ... Respondents 2&3/Accused

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set aside the Docket order dated on 03.09.2019 in Crl.M.P.No.4223 of 2019 on the file Judicial Magistrate Court, Paramathy and direct the first respondent to add the second and third respondents name as accused in the Charge Sheet.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1

O R D E R

The present petition has been filed by the petitioner, seeking to set aside the Docket order dated on 03.09.2019 in Crl.M.P.No.4223 of 2019 on the file Judicial Magistrate Court, Paramathy and direct the first respondent to add the second and third respondents' name as accused in the Charge Sheet.

2. The learned counsel for the petitioner submitted that when the deletion report of the Investigation Officer is accepted for the purpose of deleting the names of some of the accused, the reasons for such acceptance should be spelt out in the order. In support of such a contention, the learned counsel relied upon a decision of the Hon'ble Apex Court reported in 1995 (6) SCC 194 in the case of Mrs.Rupan Deol Banaj & Anr vs Kanwar Pal Singh Gill & Anr.

3. In the aforesaid decision, the Supreme Court was of the view that the necessity to give reasons, which disclose proper appreciation of the issues before the Court is mandatory, which would also introduce clarity and minimise the changes of arbitrariness. In that case, when there were two options available to the Supreme Court, either to remand back the matter or to decide the question by themselves, the Supreme Court was of the view that the case was pending for more than seven years and therefore sought for deciding the question by themselves.

4. In the instant case, the crime is of the year 2019 and as such, it would be appropriate to remand back the matter to the learned Judicial Magistrate for sufficient consideration of the deletion report and for the purpose of passing a speaking order. This Court is in acceptance with the submissions of the learned counsel for the petitioner and in terms of the decision relied upon by the learned counsel, the docket order dated 03.09.2019 passed in CrI.M.P.No.4223 of 2019, is set aside and the matter is remanded back to the learned Judicial Magistrate Court, Paramathy, for fresh consideration.

5. Since the order itself is being set aside on the ground of being a non-speaking order, this Court is consciously refraining from sending notice to the respondents 2 and 3/accused 6 and 7, since they would have an opportunity to put forth their objections before the Trial Court, when such a detailed order is passed, after remand.

6. In the light of the above observations, the learned Judicial Magistrate Court, Paramathy, is called upon to pass a fresh speaking order, on its own merits and in accordance with law, after giving due opportunity to the petitioner herein, which exercise shall be completed, within a period of 2 weeks from the date of receipt of a copy of this order.

7. Accordingly, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (CJ conf)

//True Copy//

Sub Assistant Registrar

jas/hvk

To

1. The Inspector of Police,
District Crime Branch,
Namakkal.

2.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.Deepan Uday, Advocate SR.83882

Cr1.O.P.No.26119 of 2019

BS (CO)
CB(15/11/2019)



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