

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.OP No.28047 of 2019
and
Crl.M.P.No.14965 of 2019

Suresh Kumar .. Petitioner/Accused No.6

Vs.

The Station House Officer,
Odeansalai Police Station,
Puducherry
Crime No.20 of 2017

.. Respondent

PRAYER:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.709 of 2019 on the file of the learned Chief Judicial Magistrate at Puducherry and quash the proceedings in so far as it relates to the petitioner herein.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.D.Bharatha Chakaravarthy
Public Prosecutor (Puducherry)

O R D E R

This Criminal Original petition has been filed to quash the proceedings in C.C.No.709 of 2019 on the file of the learned Chief Judicial Magistrate, Puducherry.

2 It is stated that the petitioner herein, who has been arrayed as a 6th accused, that in the impugned charge sheet, the petitioner was made as a accused, based on the confession of the first accused. In this connection, when one of the co-accused namely Babu @ Fakrudeen who has been arrayed as a 4th accused had challenged the charge sheet before this Court in Crl.O.P.No.20793 of 2019, This Court had, by an order dated 06.08.2019, quashed the proceedings on the ground that the confession of the co-accused cannot be itself a ground to substantiate the case of evidence against another co-accused but at the most, it can only be used to lend assistance to the Court. Like wise, when the 5th accused had also challenged the impugned charge sheet on similar ground, this Court by order

dated 28.08.2019 in CrI.O.P.No.23062 of 2019 had quashed the proceedings on identical ground.

3 Since the petitioner herein/6th accused has also been implicated in the crime on the basis of the confession of the co-accused and by taking into account of the fact that there are no other materials against the petitioner herein to charge him for the offences, the petitioner would be entitled to success.

4 In the light of the above observation, this Criminal Original Petition is allowed and the impugned charge sheet in C.C.No.709 of 2019 on the file of the learned Chief Judicial Magistrate, Puducherry, insofar as the relates to the petitioner/6th accused is concerned stands quashed. Consequently, connected Criminal Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

sbn/vsn

To

1. The chief Judicial Magistrate,
Puducherry
2. The Station House Officer,
Odeansalai Police Station,
Puducherry
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.Murugavel, Advocate SR.No.93623

+1cc to Public Prosecutor for Puducherry SR.No.93698

CrI.OP No.28047 of 2019

GJ(CO)
GMY (27/11/2019)
GMY (28/11/2019)