

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.32621 of 2019
and
CRL.MP.Nos.17976 & 17978 of 2019

T. Babu ... Petitioner
Vs.

1. The State rep.by
The Inspector of Police,
C1-Uthukottai Police Station,
Thiruvallur District.

2. Chinnarasu ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records and quash the charge sheet filed against the petitioner in C.C.No.240 of 2014 on the file of the learned Hon'ble District Munsif cum Judicial Magistrate, Uthukottai.

For Petitioner : M/s.A.R.Suresh

For Respondent No.1 : Mr.M.Mohamed Riyaz,
:Additional Public Prosecutor

O R D E R

The learned counsel for the petitioner has submitted that the petitioner is facing trial for the offence under Sections 279, 337, 304 (A) IPC in Cr.No.135 of 2014. He further submitted that the FIR was registered in the year 2014 and the charge sheet was also filed in the year 2014 and the case was taken on file in C.C.No.240 of 2014 on the file of the District Munsif-cum-Judicial Magistrate, Uthukottai. He further submitted that the petitioner herein also regularly appearing before the trial court from the year 2015, but for the past four years, the trial court has not made any progress in the said case. He further submitted that the petitioner has been falsely implicated in the above case by a wrong identity and the petitioner is having sufficient materials to prove his case.

2. The learned Additional Public Prosecutor appearing for the first respondent has submitted that the materials collected by the first respondent, would show that the petitioner alone is involved in the above case and if the petitioner is having materials to prove that he has been wrongly implicated in the above case on mistake of

identity, he can produce relevant materials before the trial court and establish his case. He further submitted that instead of quashing the case, the trial court may be directed to dispose of the case within a reasonable time.

3. The materials produced by the prosecution would prima facie reveals that the petitioner is involved in the crime, but now, the learned counsel for the petitioner has submitted that the petitioner is having sufficient materials to disprove the charges against him and in such a case, it is open to him to produce those materials before the trial court and establish his case.

4. In the result, this petition is dismissed with a direction that the District Munsif-cum-Judicial Magistrate, Uthukottai, is directed to dispose of the case in C.C.No.240 of 2014 within a period of five months from the date of receipt of a copy of this order. It is open to the petitioner to produce all the materials and take all the defences which are available under the law before the trial court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Gv

To

1.The District Munsif-cum-Judicial Magistrate,
Uthukottai.

2.The Inspector of Police,
C1-Uthukottai Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.R.Suresh , Advocate SR.No. 102902

CRL.O.P.No.32621 of 2019
and

CRL.MP.Nos.17976 & 17978 of 2019

A.SK(29/01/2020)