

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.12.2019

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

Crl.R.C.No.1376 of 2019 &

Crl.M.P.No.18197 of 2019

D.Baskaran

... Petitioner

Vs.

1. Inspector of Police,  
Poombukar Police Station,  
Seerkali Taluk,  
Nagapattinam District.

2. Mr.Durairaj

3. Pandian

4. Karikalan

5. Boopathi @ Selvakumar

6. Manikandan

7. Suresh

8. Raja

9. Kumar

10.Selvam @ Panner Selvam

.... Respondents

Criminal Revision filed under Section 397 and 401 of Cr.P.C., seeking to set aside the order passed in Crl.M.P.No.6 of 2019 in S.C.No.29 of 2017 dated 01.11.2019 on the file of the Additional Sessions Court (Sub Court), Myladuthurai.

For Petitioner: Mr.P. Sesubalan Raja

For Respondent: Mr.K. Prabakar,  
Addl. Public Prosecutor.

सत्यमेव जयते  
O R D E R

This criminal revision has been filed seeking to set aside the order dated 01.11.2019 passed by the Additional Sessions Court (Sub Court), Myladuthurai, in Crl.M.P.No.6 of 2019 in S.C.No.29 of 2017.

2. Heard Mr.P.Sesubalan Raja, learned counsel appearing for the petitioner and Mr.K.Prabakar, learned Addl. Public Prosecutor appearing for the 1<sup>st</sup> respondent.

3. After some arguments, it is now pointed out by the learned counsel for the petitioner that in the order passed by

this Court dated 7.8.2018 in O.P.No.8164 of 2018, at paragraph 6, it was observed as follows;

' 6. Alibi is a fact relevant under Section 11 of the Evidence Act and requires to be established like any other fact during trial. In a quash application, where disputed questions of fact are involved, alibi cannot be a ground for quashing the prosecution. Hence, this petition is dismissed with liberty to the petitioner to raise all the points before the trial court after charges are framed. '

4. This Court is of the view that since liberty has already been granted to the petitioner to raise all the points before the trial court, after the charges were framed, no further orders are required in this Criminal Revision Case and it is for the petitioner to act, as per the aforesaid order of this Court.

5. Accordingly, this revision is closed. Consequently, connected CrI.M.P.No.18197 of 2019 is also closed.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police,  
Poombukar Police Station,  
Seerkali Taluk,  
Nagapattinam District.
  2. The Public prosecutor,  
High Court, Madras.
  3. The Additional Sessions Court (Sub Court),  
Myladuthurai.
- +1 CC to Mr.P.Sesubalan Raja, Advocate sr 105976.

CrI.R.C.No.1376 of 2019 &  
CrI.M.P.No.18197 of 2019

SP(04/02/2020)