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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R. SWAMINATHAN**

Crl.A(MD).No.107 of 2010

and

Crl.O.P.(MD)No.3597 of 2010

State by
Inspector of Police,
Papakudi Police Station,
Tirunelveli.

Rep by
Public Prosecutor,
High Court Madras.

: Appellant / Petitioner

Vs.

1.Kumarasamay
2.Raja
3.Madasamy
4.Ramesh
5.Pandi Thevar
6.Jebaraj
7.Thalaivankottai Raja @ Rajaram
8.V.K.Madasamy
9.Sundararajan

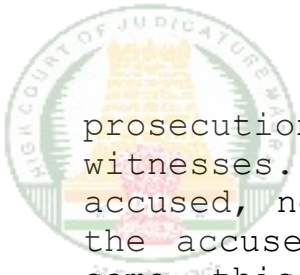
: Respondents / Accused

PRAYER : Criminal Appeal filed under Section 378 of Cr.P.C, to set aside the order of acquittal passed in S.C.No.63 of 1995, dated 22.09.2000 passed by the learned Assistant Sessions Judge, Ambasamudram.

For Appellant	: Mr.A.Robinson, Government Advocate (Crl.Side)
For Respondents	: Mr.S.Palanivelayutham

JUDGMENT

The prosecution case is that on 26.05.1993 at about 09.20 p.m., Pappakudi Police Station received information that a victim, namely, Latha was being abducted by the accused herein and that they were coming in two cars. When the police personnel attached to Pappakudi Police Station attempted to stop the vehicles, they were not only restrained from discharging their official duties, but also attacked with deadly weapons. In this regard, Crime No.99 of 1993 was registered on the file of the Pappakudi Police Station and final report was filed before the learned Judicial Magistrate, Cheranmahadevi. The case was committed to the Sessions Court and made over to the learned Assistant Sessions Judge, Ambasamudram in S.C.No.63 of 1995. The accused who are 9 in number, denied the charges and claimed to be tried. The



prosecution marked as many as 7 exhibits and examined 13 witnesses. M.O.1 to M.O.10 were also marked. On the side of the accused, no evidence was adduced. Vide Judgment dated 22.09.2000, the accused were acquitted of all the charges. Challenging the same, this appeal has been filed.

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2. When the matter was taken up for hearing, it was submitted that A-3, A-5, A-6, A-8 and A-9 have already passed away. Thus, out of 9 respondents, 5 have already died. The occurrence itself of the year 1993. More than 26 years have gone by. Admittedly, the police have not suffered any major injuries. In fact, the person, who was said to have been abducted turned hostile. Therefore, I am of the view that no interference is called for.

3. Accordingly, this Criminal Appeal stands dismissed. Consequently, connected Criminal Original Petition is closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Assistant Sessions Judge, Ambasamudram.

2. The Judicial Magistrate, Cheranmahadevi.

3. The Inspector of Police,
Papakudi Police Station,
Tirunelveli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Record Keeper, -2 copies
V.R. Section, Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. S. PALANI VELAYUTHAM, Advocate (SR-76747[F] dated
22/07/2019)

sjj

Cr1.A(MD).No.107 of 2010
22.07.2019