



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P. (MD) .No.1796 of 2018

and

Crl.M.P. (MD) .Nos.783 & 784 of 2018

WEB COPY

Kuthusi Gurusamy

... Petitioner / Sole Accused

Vs.

The Public Prosecutor,
Public Prosecutor Office,
District Court Building,
Madurai District.

... Respondent / Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertains to C.C.No.21 of 2014, on the file of the I Additional Sessions Judge, Madurai District and quash the same.

For Petitioner : Mr.M.A.Palanisami

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl. side)

O R D E R

The petitioner herein is arrayed as a sole accused in C.C.No.21 of 2014, for the offences under Sections 499 and 500 I.P.C.

2.The learned counsel appearing for the petitioner submitted that the offences alleged against him is that the petitioner has made certain defamatory statement against the former Chief Minister of Tamil Nadu. In defence of the petitioner's act, the learned counsel appearing for the petitioner submitted that the petitioner since belonging to the opposition party had only criticized certain policies and functioning of the Government and there is nothing personal about the individual.

3.This Court carefully went through the complaint. While a sizeable portion of the allegation made in the complaint is diverted to political criticism to which, the petitioner as a politician from the opposition party has a right to make, there are also very degrading and defiling statements and personal remarks about the individual functioning as a Chief Minister. This Court does not
<https://hcrs.ecourts.gov.in/services> as to how a person in public life should behave and speak. But, suffice to say for the present that the petitioner's speech to the extent indicated above discloses that he had gone

personal, and had made certain remarks not worthy of reproduction in this Order. However, this statement as made in the complaint is yet to be tested before this Court and again this Court does not want to make an opinion on that.

4.To conclude, this Court finds no material in this application and the petitioner has to face the trial in C.C.No.21 of 2014.

5.The learned counsel appearing for the petitioner made a statement that the petitioner has some ailments and at least he shall be dispensed with from appearance. The petitioner is now advised to move the trial Court with necessary applications and materials and the Trial Court may consider the same on merits and pass such appropriate orders on the same.

6.In view of the above, the Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar(CS)

tsg

To

1.The I Additional Sessions Judge,
Madurai District

2.The Public Prosecutor,
Public Prosecutor Office,
District Court Building,
Madurai District.

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

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ES/DS/03.05.2019/2P/4C