



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. [MD] No. 3683 of 2019

and

Crl.M.P. (MD) No. 2141 and 2142 of 2019

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1. Ramanathan
2. Menaha
3. Palanidurai @ Pondurai : Petitioners

Vs.

1. The Sub Inspector of Police,
Taluk Police Station,
Devakottai,
Sivagangai District.
(Crime No. 736 of 2014)

2. Chinnadurai : Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.132 of 2018 on the file of the Judicial Magistrate, Devakottai and quash the same as arbitrary and illegal.

For Petitioners : Mr.K.Baalasundaram
For R1 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

The petitioners herein are arrayed as accused in Crime No.736 of 2014 and after Investigation, the Investigating Officer has laid final report before the learned Judicial Magistrate, Devakottai, who has taken cognizance and the matter is now pending in C.C.No.132 of 2018. The second petitioner faces trial for the charges under Sections 294(b), 324 and the first and third petitioners face trial for the charges under Section 506(i) IPC.

2. The learned counsel for the petitioners submitted that there is a case in counter and the case laid against the second respondent was registered in Crime No.735 of 2014 for the offence under Sections 147, 294(b), 324 and 506(ii) IPC. The learned counsel for the petitioners submits that the final report laid in this case is devoid of merits and it is concocted and far away from the truth and submitted that inasmuch as there is a case in counter, the final report has to be laid simultaneously in both cases as per the reported decision of this Court in **R.Velladurai and others vs. State through Inspector of Police, V.K.Pudur Police Station, Tirunelveli District - [2016 (1) MWN (Cr.) 291 (DB)]**.



3. The learned Government Advocate submitted that final report has been laid in the counter case in Crime No.735 of 2015 as the case founded as mistake of fact, but the petitioner has not been given notice of the referred charge sheet.

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4. Inasmuch as the action is dropped in Crime No.735 of 2015 as one founded 'mistake of fact', the aforesaid two authorities may not have much significance. The petitioners are now required to workout their remedies in connection with the counter case before the concerned Magistrate Court. Turning to the present case this Court had gone through the statement of the witnesses and this Court does not find that it is a case, where the Court has to interfere with the final report and whatever arguments, which is submitted on merits on behalf of the petitioner may have to be tested during trial. Hence, the petitioners are directed to cooperate with the trial process.

5. At this juncture, the learned counsel for the petitioner requests this Court that the presence of the petitioners before the Trial Court may be dispensed with. Considering the said request, the presence of the third petitioner alone is dispensed with unless his presence is specifically required by the trial Court as he is a senior citizen.

6. With the above observation, this criminal original petition is disposed of. Consequently connected miscellaneous petitions are closed.

sd/
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Devakottai

2. The Sub Inspector of Police,
Taluk Police Station,
Devakottai,
Sivagangai District.

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

+1 CC to Mr.K.BAALASUNDHARAM, Advocate (SR-57299[F] dated 28/03/2019)

CrI.O.P.[MD]No.3683 of 2019
27.03.2019