



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P. (MD)No.299 of 2018

and

Crl.M.P. (MD)Nos.92 and 93 of 2018

WEB COPY

1. Abdul Hameed
2. Abulkalam Asath
3. Jameel

...Petitioners/Accused Nos.A1,A2&A4

-Vs-

- 1.The Inspector of Police,
Sethu Bava Chathiram Police Station,
Sethubava Sathiram,
Thanjavur District.
(Cr.No.62 of 2013)

2. Sivachandran, ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire pertaining to the Charge Sheet in C.C.No.394 of 2013 in Crime No.62 of 2013 on the file of the learned Judicial Magistrate, Pattukottai and quash the same as against this petitioners.

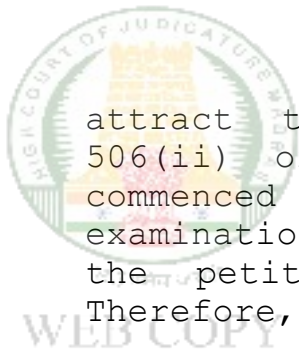
For Petitioners : Mr.S.A.S.Aladeen
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.394 of 2013 on the file of the learned Judicial Magistrate, Pattukottai.

2. The learned Counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Without any base, the first respondent police registered a case in Crime No.62 of 2013 for the offences under Sections 294(b), 336, 332, 353, 506(ii) of IPC, as against the petitioners and filed charge sheet in C.C.No.394 of 2013 on the file of the learned Judicial Magistrate, Pattukottai. Hence he prayed to quash the same.

3.The learned Government Advocate (criminal side) would submit that there are specific allegations as against the petitioners to



attract the offence under Sections 294(b), 336, 332, 353, 506(ii) of IPC. He further submitted that now the trial commenced and P.W.1 to P.W.8 already examined and it is posted for examination of Investigating Officer and all the points raised by the petitioners have to be considered only during the trial. Therefore, he prayed to dismiss this petition.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side) appearing for the first respondent.

5. It is seen from the charge there are specific averments to attract the offences as against the petitioners. Further it is also seen that there are materials to connect the petitioners to the offences. More over all the points raised by the petitioners have to be considered only during the trial. The petitioners are at liberty to raise all the points before the Court below during the trial.

6. In view of the above discussion, this Court is not inclined to quash the proceedings in C.C.No.394 of 2013. However, considering the case is of the year 2013, the learned Judicial Magistrate, Pattukottai, is directed to complete the entire trial proceedings in C.C.No.394 of 2013 within a period of four weeks from the date of receipt of copy of this Order.

7. With the above observations, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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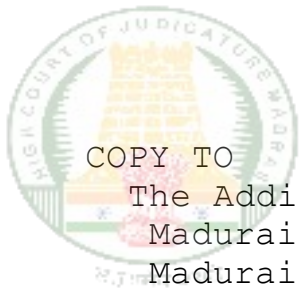
Sub Assistant Registrar (CS)

Ls

To

1.The Judicial Magistrate,
Pattukottai.

2.The Inspector of Police,
Sethu Bava Chathiram Police Station,
Sethubava Sathiram,
Thanjavur District.



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

WEB COPY

+1 CC to M/s.S.A.S ALAUDEEN, Advocate (SR-85118[F] dated
04/09/2019)

CrI.O.P.(MD)No.299 of 2018
03.09.2019

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