



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/09/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.16746 of 2014

Andi,
S/o.Veerana Thevar, No.10/1 Nethaji
Main Road, Meenambalpuram, Madurai.

... Petitioner/5th Accused

Vs

1. State represented by
The Sub Inspector of Police,
D2 Sellur (Law and Order), Police
Station, Madurai District
Cr.No.2098/2009.

...1st Respondent/Complainant

2. Haridoss,
S/o.Umayanan, Nithish Kumar Compound,
No.11, Nethaji Main Road,
Meenambalpuram, Madurai.

...2nd Respondent/Defacto Complainant

For Petitioner : M/s.A.Saravanan,
Advocate.

For R-1 : Mr.A.Robinson,
Government Advocate (Crl.Side).

For R-2 : Mr.S.Balaji

PRAYER :-

This Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the entire records relating to the impugned charge sheet laid in C.C.NO.105/2010 on the file of the learned Judicial Magistrate NO.2, Madurai and quash the same in so far as the petitioner herein/5th accused alone is concerned.

ORDER : The Court made the following order :-

Heard the learned counsel on either side.

<https://hcservices.courts.gov.in/hcservices> The petitioner is figuring as fifth accused in C.C.No.105 of



2010 on the file of the Judicial Magistrate No.II, Madurai.

3. The petitioner is a Government servant. He produced certain materials to indicate that on the occurrence date, he was working elsewhere. But then, the petitioner will have to produce such materials only during the trial. The allegations raised before me are the points not for quashing, but only for getting acquittal and he will have to establish the same during the trial.

4. In this view of the matter, this Criminal Original petition stands dismissed. However, the personal appearance of the petitioner is dispensed with. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. It is made clear that this Court has not gone into the merits of the matter. All the contentions of the petitioner are left open.

5. The learned trial Magistrate is directed to dispose of C.C.No.105 of 2010 on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. The Judicial Magistrate No.2, Madurai.
2. The Sub Inspector of Police,
D2 Sellur (Law and Order), Police
Station, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.A.Saravanan , Advocate SR.No.87428
+1 cc to Mr.S.Balaji , Advocate SR.No.87905
pmu

ORDER

IN

CRL OP(MD) No.16746 of 2014

Date : 18/09/2019