



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD).No.18042 of 2019

Mohammed Badusha

..Petitioner

Vs.

State represented by,
The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy District.
(in Crime No.28 of 2018).

... Respondent

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in the impugned summon issued by the respondent dated 27.11.2019 and quash the same.

For Petitioner : Mr.K.Sathishkumar

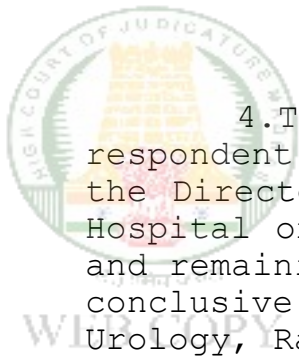
For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to quash the impugned summon issued by the respondent dated 27.11.2019.

2.The petitioner along with family members have been arrayed as accused in Crime No.28 of 2018 registered by the respondent police for the offences under section 498(A), 406 and 506(i) of IPC based on the complaint given by the petitioner's wife.

3.The learned counsel appearing for the petitioner would submit that in due compliance of the summons, dated 08.02.2019, the petitioner appeared before the Government Hospital, Trichy for medical test and thereafter, he was once again called by the same respondent to appear before the Rajiv Gandhi Government General Hospital, Chennai on 20.09.2019. while so, the respondent had issued a summon dated 27.11.2019 under Section 91 Cr.P.C., directing the petitioner to appear before the respondent police on 29.11.2019 at 10.00 a.m for the very same medical examination before the Rajiv Gandhi Government General Hospital, Chennai. Hence, challenging the summon the present petition is filed.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner appeared before the Director, Institute of Urology, Rajiv Gandhi Government General Hospital on 24.09.2019, while so, only partial tests were conducted and remaining tests have to be conducted on the petitioner to give a conclusive opinion. He would submit that the Director, Institute of Urology, Rajiv Gandhi Government General Hospital, Chennai, has sent a communication to the respondent police dated 09.12.2019 wherein, it has been stated that the following opinions have to be taken:

- Viz.,1.Neurology Opinion
2.Cardiology Opinion
3.Chest Physician Opinion
4.Physcotrist Opinion
5.Penile Doppler

He would further submit that only after obtaining the above said opinions, a final opinion can be given.

5.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner cannot be unnecessarily made to appear before the the Director, Institute of Urology, Rajiv Gandhi Government General Hospital, Chennai, every time. He would further submit that if a date is fixed by the respondent police between 18.12.2019 to 27.12.2019 on consultation with the expert, the petitioner is ready to appear before the Director, Institute of Urology, Rajiv Gandhi Government General Hospital, Chennai.

6.The respondent is directed to consult with the Director, Institute of Urology, Rajiv Gandhi Government General Hospital, Chennai, and fix the date. After fixing the date the respondent is directed to inform the petitioner and thereafter, the petitioner shall appear before the Director, Institute of Urology, Rajiv Gandhi Government General Hospital, Chennai, and the entire test shall be carried on the petitioner on the same day. The petitioner shall not be unnecessarily harassed under the guise of getting opinion.

7.With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vsg



To

1.The Inspector of Police,
All Women Police Station,
Srirengam,
Trichy District.

2.The Director,
Institute of Urology,
Rajiv Gandhi Government General Hospital,
Chennai-600003.

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

+1CC TO MR.C.SUSI KUMAR, ADVOCATE, SR NO.21882

CrI.O.P. (MD) .No.18042 of 2019
13.12.2019

KK/SAR/17.12.2019/3P-5C/