

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P.NO.24376 OF 2013

1. Selvam
2. Kesavan
3. Charles

... Petitioners

Vs.

1. The State rep. by
Inspector of Police,
Maraimalar Nagar Police Station,
Kanchipuram District.
2. The Executive Engineer,
Maraimalar Nagar Division,
T.N.E.B., Maraimalar Nagar,
Kancheepuram - 27.

[The second respondent has been impleaded
as per Order of this Court dated 07.08.2014
in M.P.No.1 of 2014]

... Respondents

Petition filed under Section 482 of Cr.P.C. to call for the records concerned in C.C.No.178 of 2002 on the file of the Judicial Magistrate No.II, Chengalpattu, quash the proceedings as against the petitioners.

For Petitioners : Mr.T.R.Ravi

For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to call for the records concerned in C.C.No.178 of 2002 on the file of the Judicial Magistrate No.II, Chengalpet, quash the proceedings as against the petitioners.

2. The case of the petitioners is that the law enforcing agency has registered a case against the petitioners along with their father on 26.07.1999 for the offences under sections 39(i) (b) (c) and 44(i) (c) of Indian Electricity Act and section 484 of IPC and after completion of investigation, charge sheet has been filed by the law enforcing agency before the jurisdictional Magistrate. Thereafter, the charge sheet has been taken on file in C.C.No.178 of 2002 by the Judicial Magistrate No.II, Chengalpet. Challenging the said complaint, the present petition has been filed.

3. Mr.Ravi, learned counsel for the petitioner submitted tha the case was registered in the year 1999 and charge sheet has been filed in the year 2002. Subsequently, the petitioners and their father had paid the entire amount due to the Electricity Board in year 2003. But so far, no progress was made in the trail. The learned counsel for the petitioners further submitted that there is no specific allegations against the petitioners and hence, prayed for allowing this petition.

4. The learned Additional Public Prosecutor submitted that though the petitioners have paid the entire amount due to the Electricity Board, the law enforcing agency is also entitled to proceed with criminal case against the petitioner for the offence committed by the accused. Hence, submitted that mere payment of the amount due to the Electricity Board will not wipe out the crime committed by the petitioners.

5. It is seen that a case has been registered against the petitioners and their father by the law enforcing agency for the offences under sections 39(i) (b) (c) and 44(i) (c) of Indian Electricity Act and section 484 of IPC and charge sheet has also been filed and the case is taken on file in C.C.No. 178 of 2002 on the file of the Judicial Magistrate No.II, Chengalpet. During the pendency of the case, the petitioners have paid the entire amount due to the Electricity Board and the Electricity Board has also issued no due certificate in this regard. Further it appears that, father of the petitioners, who is A1 in the above has also died. The case is registered in the year 1999 and the case is pending from the year 2002 and there is no progress in the trial till 2013.

6. Considering the facts and circumstances of the case and subsequent developments in the case, the trial Court is directed to dispose of the case in C.C.No.178 of 2002 within a period of three months from the date of receipt of a copy of this Order,

in accordance with law. Even if the Electricity Officials did not appear, the Magistrate shall take decision as per Section 256 of Code of Criminal Procedure.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Judicial Magistrate No.II,
Chengalpet.
2. The Inspector of Police,
Maraimalar Nagar Police Station,
Kanchipuram District.
3. The Executive Engineer,
Maraimalar Nagar Division,
T.N.E.B., Maraimalar Nagar,
Kancheepuram - 27.
4. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.T.R.Ravi, Advocate, S.R.No.202

Cr1.O.P.No.24376 of 2013

RSK(CO)
CS/11/02/2020

सत्यमेव जयते

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