

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.3123 of 2018

Muthusamy

... Petitioner/Accused

Vs.

1.State represented by
The Deputy Superintendent of Police,
Special Security Group,
Chennai - 600 028.

2.The Inspector of Police,
Burgur Police Station,
Bhavani Taluk,
Erode District.

... Respondents/Complainant

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the proceedings in PRC.No.10 of 2000, pending committal on the file of the learned Judicial Magistrate, Bhavani, quash the same.

For Petitioner :Mr.K.Elangovan

For Respondents:Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The petition has been filed to quash the proceedings in PRC.No.10 of 2000, pending committal on the file of the learned Judicial Magistrate, Bhavani.

2. The learned counsel appearing for the petitioner would submit that there are totally 75 accused, in which most of the accused persons have died and some of the accused persons were not appeared before the Committal Court and as such, it is pending for committal for the past ten years and crime is of the year 1993 and registered for the offences under Sections 147, 148, 188, 307 and 120(b) of IPC and Section 25(1) (b) of Arms Act, 9(b) (1-b) of Indian Explosives Act, 3 and 5 of Explosives

Substances Act, and under Sections 3, 5 and 6 of Terrorites and Disruptive Activities (Prevention), in Crime No.14 of 1993. Therefore, the pendency of the entire proceedings would not serve any purpose and prayed for quashing of the entire proceedings.

3. The learned Additional Public Prosecutor would submit that the respondent has filed a counter stating that there are totally 75 accused and they have been charged for the offences under sections 147, 148, 188, 307 and 120(b) of IPC and Section 25(1) (b) of Arms Act, 9(b) (1-b) of Indian Explosives Act, 3 and 5 of Explosives Substances Act, and under Sections 3, 5 and 6 of Terrorites and Disruptive Activities (Prevention). Insofar as the petitioner is concerned, he has arrayed as A-10. They have filed charge sheet with 82 list of witnesses to be examined on the side of the prosecution. The committal case has been registered on the allegation that the petitioner along with his friends and illicit hunters developed association with Veerappan gang to continue their illicit hunting in the forest area and aided by gang in planting land mines to kill the police party, who are under the job of mapping the Veerappan gang. Therefore, the petitioner along with other accused involved in very serious offences and so many accused are died and so many cases are pending for committal and therefore, he prayed for dismissal of this petition.

4. Heard Mr.K.Elangovan, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

5. The Crime is of the year 1993, registered for the offences under sections 147, 148, 188, 307 and 120(b) of IPC and Section 25(1) (b) of Arms Act, 9(b) (1-b) of Indian Explosives Act, 3 and 5 of Explosives Substances Act, and under Sections 3, 5 and 6 of Terrorites and Disruptive Activities (Prevention). There are totally 75 accused, in which, the petitioner is arrayed as A10. After completion of the investigation, the second respondent has filed a final report and the same has been pending for committal in PRC.No.10 fo 2000, on the file of the learned Judicial Magistrate, Bhavani, Erode District. Pending committal, A1, A2, A3, A5, A6, A7, A15 to A18, A27, A28, A35, A51, A54 to A58, A61 to A64, A68 to A71, A73 & A75 were intimated dead and death certificates also produced before the Magistrate Court and charges against them were abated. Insofar as the remaining accused persons, viz., A4, A9, A14, A19 to A22, A24, A26, A29 to A34, A36, A47, A49, A50 to A59, A67 & A70 are concerned, their whereabouts are not known and as against them, non-bailable warrant was issued and the same is pending.

6. Even, till today, the respondents did not take any steps to secure them and produce before the Trial Court. Insofar as the petitioner is concerned, he has regularly appearing before the Committal Court. Therefore, the pendency of the proceedings in PRC.No.10 of 2000 as against the petitioner could not serve any purpose and it is a clear abuse of process of law.

7. In the result, the proceedings in PRC.No.10 of 2000, pending on the file of the learned Judicial Magistrate, Bhavani, is hereby quashed, insofar as, the petitioner alone. Accordingly, this Criminal Original Petition is allowed.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Superintendent of Police,
Special Security Group,
Chennai - 600 028.

2.The Inspector of Police,
Burgur Police Station,
Bhavani Taluk,
Erode District.

3.The Judicial Magistrate
Bhvani

+1 CC to Mr.K.Elangovan, Advocate sr 20694.

सत्यमेव जयते

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NRL (CO)
SP(16/03/2020)

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