

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRL.M.P.NO.5264 & 5265 OF 2020

IN

CRL.O.P.NOS.1100 & 1101 OF 2018

S.Aravazhi

..Petitioner in both Crl.M.Ps.

-Vs-

State rep. By
The Inspector of Police,
CCIW, Cuddalore,
Cr.No.1 of 2010,
Cuddalore District.
Crl.M.Ps.

..Respondent in both

COMMON PRAYER:

Criminal Miscellaneous Petitions filed under Section 482 of the Criminal Procedure Code, praying to modify the order dated 17.12.2019 in Crl.O.P.Nos.1100 & 1101 of 2018 as 'the impugned proceedings in C.C.Nos.52 & 54 of 2011 on the file of the learned Judicial Magistrate No.I, Cuddalore stands quashed in respect of the petitioner/A8 in Crl.O.P.No.1100 of 2018 & A7 in Crl.O.P.No.1101 of 2018 alone instead of the impugned proceedings in C.C.Nos.52 & 54 of 2011 on the file of the learned Judicial Magistrate No.I, Cuddalore stands quashed.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.A.Hari, GA (Crl. Side)

COMMON ORDER

With the consent of both the parties, the Criminal Miscellaneous Petitions are taken up today and heard through Video Conferencing.

2. In continuation of the earlier order dated 17.12.2019, the petitioner herein had filed applications to rectify the error that had occurred in the earlier order dated 17.12.2019.

3. The error is to the effect that though the petitioner has sought for quashing of the proceedings in C.C.Nos.52 & 54 of 2011, insofar as the petitioner herein/8th accused in Crl.O.P.No.1100 of 2018 and 7th accused in Crl.O.P.No.1101 of 2018 are concerned, the order dated 17.12.2019 reads as that the entire proceedings in C.C.Nos.52 & 54 of 2011 are quashed. The findings in my order also does not deal with the other accused. As such, the impugned proceedings requires to be quashed, insofar as it relates to the petitioner herein alone.

4. In the light of the above observations, paragraph 11 in my earlier order dated 17.12.2019 passed in Crl.O.P.Nos.1100 & 1101 of 2018 stands deleted and substituted as follows:

"For the foregoing reasons, the impugned proceedings in C.C.Nos.52 & 54 of 2011 on the file of the learned Judicial Magistrate No.I, Cuddalore, stand quashed, insofar it relates to the petitioner herein/8th accused in Crl.O.P.No.1100 of 2018 and 7th accused in Crl.O.P.No.1101 of 2018, are concerned. The trial Court is at liberty to proceed against the other accused in C.C.Nos.52 & 54 of 2011 on the file of the learned Judicial Magistrate No.I, Cuddalore. Consequently, the Criminal Original Petitions are allowed. Connected Miscellaneous Petitions are closed."

5. All other findings and observations made in my earlier order passed in Crl.O.P.Nos.1100 & 1101 of 2018 dated 17.12.2019, shall remain intact. The Miscellaneous Petitions stand allowed accordingly.

Sd/-
Assistant Registrar

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

DP

To

1. The Inspector of Police,
CCIW, Cuddalore.
2. The Judicial Magistrate No.I,
Cuddalore.

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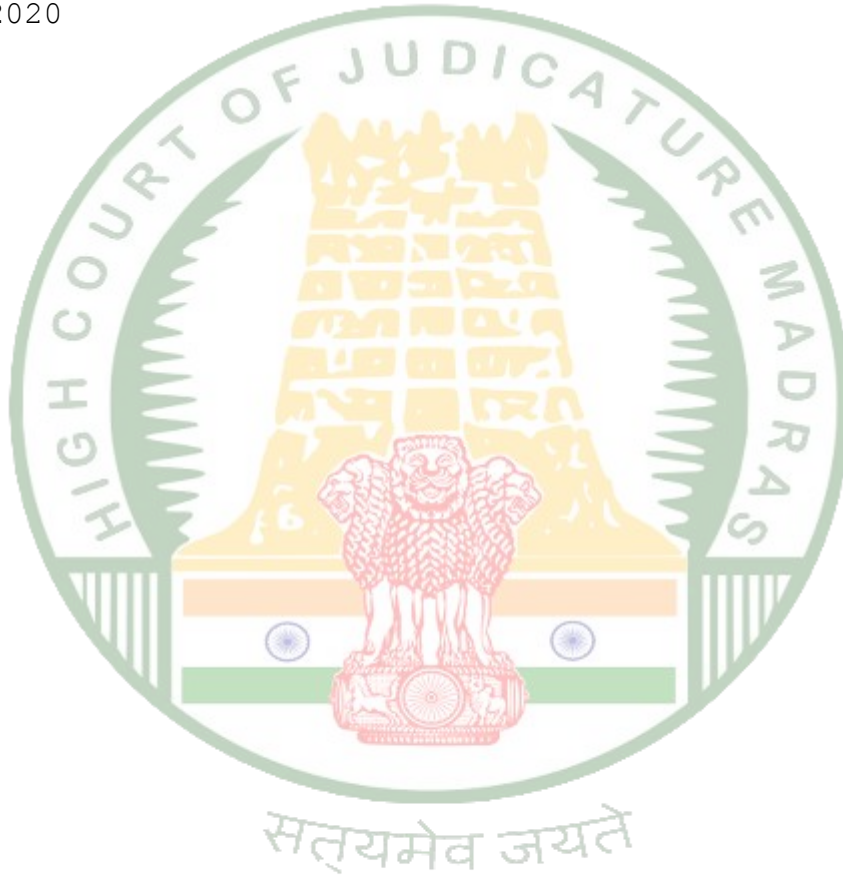
3. -Do-Thro The Chief Judicial Magistrate,
Cuddalore.

4. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.S.Sairam, Advocate, S.R.No.28880, 28879

CrI.M.P.No.5264 & 5265 of 2020
in CrI.O.P.Nos.1100 & 1101 of 2018

SVI (CO)
CS/08/09/2020



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