

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 24.11.2020
CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
CRL.O.P.No.8363 of 2017
and CRL.M.P.Nos.5995 & 5996 of 2017

K.Palani

.. Petitioner

Vs.

1.State rep. by
The Deputy Superintendent of Police
Land Grabbing Special Wing
Villupuram District

2.The Inspector of Police
Ulundurpet Police Station
Villupuram District
(Crime No.280/2015)

3.Saran Raj

.. Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to call for the records in P.R.C.No.19 of 2016 pending
on the file of the learned Judicial Magistrate No.I, Ulundurpet
and quash the same.

For Petitioner : Mrs.S.Vennila

For R1 and R2 : Mr.P.Kritika Kamal
Govt. Advocate (Crl. Side)

For R3 : Mr.S.N.Thangaraj

O R D E R

For the sake of convenience, the parties will be referred
to by their names.

2. On the complaint lodged by Saran Raj, the police
registered a case in Crime No.280 of 2015 and after completing
the investigation, filed charge sheet in P.R.C.No.19 of 2016 in
the Court of the Judicial Magistrate No.I, Ulundurpet, for the
offences under Sections 166, 342, 294(b), 324, 307 and 506(ii)
IPC read with Section 114 of IPC against Palani and five others,

for quashing which, Palani is before this Court.

3. Heard Mrs.S.Vennila, learned counsel for Palani, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondent State and Mr.S.N.Thangaraj, learned counsel for Saran Raj.

4. It is the case of the prosecution that Palani (A1) was the Inspector of Police, Ulundurpet Police Station at the relevant point of time. Ulundurpet police arrested Saran Raj in Crime No.273 of 2015 on 30.06.2015, produced him before the Judicial Magistrate No.I, Ulundurpet, for remand. After the learned Magistrate remanded Saran Raj to judicial custody, instead of taking Saran Raj to the jail, the police took him to the Police Station and thrashed him. This is the sum and substance of the case in Crime No.280 of 2015, which has now culminated in the final report in P.R.C.No.19 of 2016.

5. On a perusal of the final report and the statements of the witnesses recorded by the police under Section 161(3) Cr.P.C., this Court finds that there are prima facie materials for the trial to proceed and therefore, the prosecution cannot be quashed at the threshold. Hence, this Criminal Original Petition stands dismissed. Connected Miscellaneous Petitions are closed.

6. However, Mrs.S.Vennila, learned counsel for Palani submitted that Saran Raj is a practising advocate in Villupuram District and therefore, the accused, who are policemen, may not get a fair trial, if the proceedings are conducted in Villupuram District.

7. In the opinion of this Court, every accused, however bad, is entitled to a fair trial and he has to be defended by an advocate of his choice. Hence, interests of justice will be served, if the case is transferred from the file of the Judicial Magistrate Court No.I, Ulundurpet, to the file of the Judicial Magistrate Court No.I, Trichy and the Judicial Magistrate No.I, Trichy shall commit the case to the Court of Session, Trichy, for trial. The Judicial Magistrate No.I, Ulundurpet, shall transfer the case records and also material objects, if any, to the Court of the Judicial Magistrate No.I, Trichy, within a period of four weeks from the date of receipt of a copy of this order.

8. In the meanwhile, Palani and other accused are directed to appear before the Judicial Magistrate No.I, Ulundurpet on 27.11.2020 (Friday). They shall appear without

summons in the Court of the Judicial Magistrate No.I, Trichy on the date intimated to them by the Judicial Magistrate No.I, Ulundurpet.

9. After the case is committed to the Court of Session, Trichy and charges are framed, Palani's presence before the Court of Session, Trichy, can be dispensed with on condition that he executes his own bond under Section 88 Cr.P.C. for a sum of Rs.25,000/- undertaking that he will not dispute his identity and that the advocate nominated by him will conduct the trial without adopting dilatory tactics. On such undertaking being given, Palani's presence before the trial Court may be dispensed with on his counsel filing an application under Section 317 Cr.P.C. on the hearing dates. As and when Palani's presence is necessary before the trial Court, the trial Judge may notify the same to the counsel nominated by Palani and Palani shall appear before the trial Court on that hearing date. However, Palani shall appear before the trial Court for framing of charges, questioning under Section 313 Cr.P.C. and on the date of judgment.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Deputy Superintendent of Police
Land Grabbing Special Wing
Villupuram District

2.The Inspector of Police
Ulundurpet Police Station
Villupuram District

3.The Principal District & Sessions Judge
Villupuram

4.The Principal District & Sessions Judge
Trichy

5.The Judicial Magistrate No.I
Ulundurpet (thro' e-mail)

**(e-mail sent from Chambers. Hence,
e-mail need not be sent by Registry.**

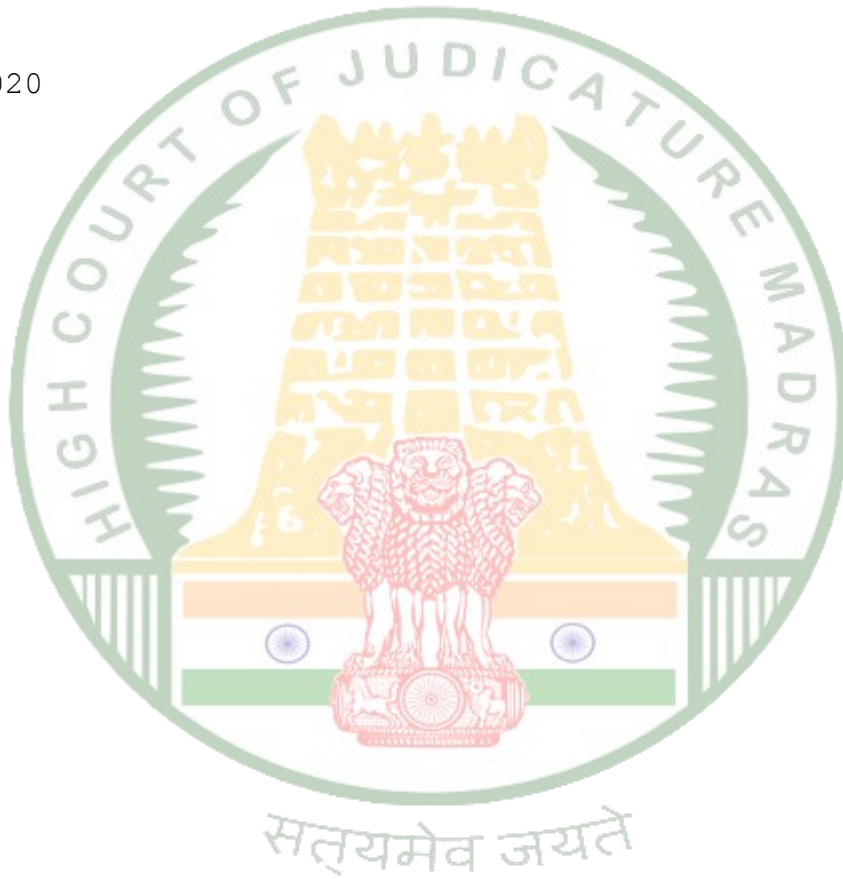
6.The Judicial Magistrate No.I
Trichy

7.The Public Prosecutor
High Court, Madras

+2 ccs to Ms.S.Vennila Advocate sr37708
+1 cc to Mr.N.Damodaran Advocate sr37700

CRL.O.P.No.8363 of 2017

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