

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P. No. 32352 of 2019
and
Crl.MP. No. 17815 of 2019

Sriramulu

... Petitioner

Vs.

1. Murugesan

2. The Inspector of Police,
Kanakamma Chatram Police Station,
Kanakamma Chatram,
Thiruvallur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and set aside the order passed by an order dated 11.11.2019 in C.M.P. No. 1235 of 2019 in S.C. No. 116 of 2016 by the learned Principal Sessions Judge, Thiruvallur.

For Petitioner : Mr.M.Thirumalai

For Respondents

For R1 : Mr.K.Prabhu

For R2 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed to challenge the order passed by the learned Principal Sessions Judge, Thiruvallur in C.M.P. No. 1235 of 2019 in S.C. No. 116 of 2016 by an order dated 11.11.2019, thereby allowing the petition filed by the petitioner/victim under Section 15(A) 4 of SC & ST Act read with Section 91 of Cr.P.C., for issuing summons to the Revenue Divisional Officer, Tiruttani to produce the material documents before the trial Court.

2. The learned counsel for the petitioner submitted that on the fag end of the trial, the petition has been filed only to fill up the lacunae as such the case, the material documents

produced by the petitioner and as such, it ought not to have allow the petition by the trial court. He further submitted that already the Revenue Divisional Officer was examined as P.W.9 and he did not spoken about the fact contended by the petitioner/victim.

3. Per contra, the learned Additional Public Prosecutor for the second respondent submitted that the Revenue Divisional Officer release the petitioner from the bonded labour system enforced by the petitioner herein and also issued release certificate to the petitioner dated 31.01.2014. At that time of chief examination, the first respondent stated about the rescue operation conducted by the Revenue Divisional Officer, in charge, Tiruttani and she identified the petitioner/victim and other labourers as bonded labourers and gave release certificates. The photocopy of the release certificates and other documents are very essential to complete the trial.

4. Considering the above facts and circumstances, the trial court quashed the petition filed by the petitioner/victim in Crl.M.P. No. 1235 of 2019 in S.C. No. 116 of 2016, here the petitioner/victim is First Respondent. On perusal of the documents, the first respondent is a victim and has been released by an order dated 31.01.2014 based on the release certificate issued by the Revenue Divisional Officer.

5. Therefore, the documents which has sought to be marked before the trial Court are essential and no prejudice will be caused to the petitioner herein and therefore the trial Court rightly allowed the petition and there is no infirmity and illegality of the order passed by the trial Court.

6. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

arb

To

1. The Inspector of Police,
Kanakamma Chatram Police Station,
Kanakamma Chatram,
Thiruvallur District.

2. The Principal Sessions Judge,
Thiruvallur.

3. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.Prabhu, Advocate sr 22985.

CRL.O.P. No. 32352 of 2019
and
Crl.M.P. No. 17815 of 2019

RK(CO)
SP(30/07/2020)



WEB COPY