



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P (MD) .No.4668 of 2020

and

Crl.M.P. (MD) Nos.2652 and 2653 of 2020

Mohammed Shahib

... Petitioner/Accused No.1

Vs

1.The State Rep. by
The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.83 of 20129)

... 1st Respondent/Complainant

2.P.Libipaulraj

... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to the charge sheet in C.C.No.438 of 2019, on the file of the learned Judicial Magistrate, Nanguneri in Crime No.83 of 2019, on the file of the first respondent police and quash the same in respect of the petitioner as illegal.

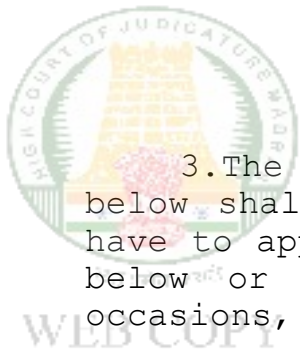
For Petitioner : Mr.G.Antoprince

For R1 : Mr.A.Robinson
Government Advocate (Crl. side)

ORDER

The petitioner is figuring as accused No.1 in C.C.No.438 of 2019, on the file of the learned Judicial Magistrate, Nanguneri.

2.It is a case of alleged sand theft. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. I am of the view that they will have to be necessarily established only before the Court below in a regular trial. Therefore, without going into the merits of the matter, the Criminal Original Petition stands dismissed. The defences of the petitioner are left open.



3.The personal appearance of the petitioner before the Court below shall stand dispensed with. Of-course, the petitioner will have to appear on those occasions, when it is directed by the Court below or when it is imperative and necessary. On all other occasions, the petitioners can be represented by their counsel.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Judicial Magistrate, Nanguneri.

2.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-11850[F] dated 16/03/2020)

Crl.O.P(MD).No.4668 of 2020

16.03.2020

NR(29.05.2020) 2P 5C