



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) No.10520 of 2016

and

Crl.M.P. (MD) Nos.5206 and 5207 of 2016

K.P.Selvam

... Petitioner

-vs-

1.The Sub-Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District
Crime No.415 of 2015.

2.Sebastiyan

... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records of Charge-Sheet in S.T.C.No.106 of 2016 on the file of the Judicial Magistrate, at Devakottai and quash the same.

For Petitioner : Mr.A.Haja Mohideen
For R1 : Mr.A.Robinson,
Government Advocate(Crl.side)

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in S.T.C.No.106 of 2016 on the file of the learned Judicial Magistrate, Devakottai,. Following the occurrence of a fatal accident on 16.09.2015, Crime No.415 of 2015 was registered on the file of the Devakottai Taluk Police Station for the offences under Sections 279 and 337 of IPC. Investigation was done and final report was also filed. The cognizance of the offence was also taken. To quash the same this Criminal Original Petition has been filed.

2.The learned counsel for the petitioner reiterated the contentions set out in the memorandum of grounds. He would contend that there is no eye witness to the occurrence at all and that there is no material against the petitioner herein.

3.But then these factual aspects are to be established only in



regular trial before the Court below. Leaving open the petitioner's contentions and defence, this Criminal Original Petition is dismissed.

4.The learned Government Advocate states that a non-bailable warrant has been issued against the petitioner and that the next hearing date is 03.04.2020. If the petitioner appears on the next hearing date and applies for recall of warrant, the Court below shall recall the same without remanding the petitioner to custody. It is further directed that the non-bailable warrant issued against the petitioner will be kept in abeyance till then. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

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Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Devakottai.

2.The Sub-Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District

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

+1 CC to M/s.A.HAJAMOHIDEEN, Advocate (SR-2988[F]

Crl.O.P.(MD)No.10520 of 2016

and

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