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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.12774 of 2016 and

CRL.M.P.(MD)No.6468 of 2016

A.Thinakar

... Petitioner

Vs.

The State of Tamil Nadu,
Rep. By the Sub Inspector of Police,
District Crime Branch,
Kanyakumari District
At Nagercoil.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the summons of the respondent in Ref. No.P2/SP/2174/2016 dated 13.07.2016 and quash the same.

For Petitioner	: No appearance
For Respondent	: Mr.A.Robinson, Government Advocate(Crl. Side)

O R D E R

None appears for the petitioner.

2. This criminal original petition has been filed for quashing the impugned summons.

3. When the matter was taken up for hearing, the learned Government Advocate(Crl. Side) makes a statement that the petitioner is to figure only as a witness and the respondent wanted to examine the petitioner as a witness under Section 160 of Cr.P.C.

4. The police officer has the power to require the attendance of the witness. If the witness is a woman or male person who below the age of fifteen years or above the age of sixty five years, he or she cannot be summoned to the station. But in this case, the petitioner appears to be around 35 years. Therefore, the petitioner cannot seek relief under Section 160 of Cr.P.C. In fact, it is the solemn duty of the petitioner to extend his assistance for any investigation. According to the police, he is said to be acquainted with some material facts. I find no merit in this criminal original petition.



5. The criminal original petition stands dismissed.
Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Sub Inspector of Police,
District Crime Branch,
Kanyakumari District
At Nagercoil.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.O.P. (MD) No.12774 of 2016
30.01.2020

AP(05/06/2020) 2P 3C