



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

CORAM:

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

WEB COPY

**Crl.O.P. (MD) No.16245 of 2018**

**and**

**Crl.M.P. (MD) No.7236 of 2018**

1.K.Abdul Hameed

2.K.Mohamed Siddiq

... Petitioner

-vs-

State represented by

The Inspector of Police,

Cumbum North Police Station,

Theni District, (Crime No.675 of 2010)

... Respondent

**PRAYER:** Petition filed under Section 482 of the Criminal Procedure Code to call for records relating to the witness warrant against petitioner in C.C.No.639 of 2010 on the file of Judicial Magistrate Court, Uthamapalayam and set aside the same.

For Petitioners : Mr.K.Abdul Hameed  
Party in Person

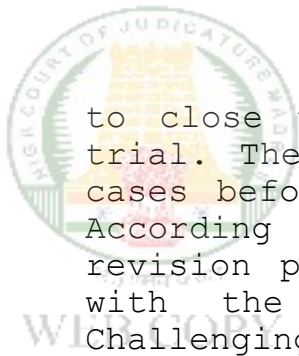
For Respondent : Mr.A.Robinson  
Government Advocate (Crl.side)

### **O R D E R**

The defacto complainant in C.C.No.639 of 2010 on the file of the Judicial Magistrate, Uthamapalayam has filed this Criminal Original Petition for setting aside the witness warrant issued against the petitioners.

2.The case of the petitioners is that they had levelled certain serious allegations regarding the management of the local pallivasal. Angered by the steps taken by the petitioners, persons opposed to them, abducted them and lodged a murderous assault on them. Therefore, Crime No.675 of 2010 was registered on the file of the Cumbum North police station for the offences under Sections 147, 148, 363, 342, 506(ii) and 395 of IPC.

3.The grievance of the petitioner is that eventhough they had implicated a number of persons, the police chose to file a final report only against six persons. When the petitioners became aware of the same, they applied for further investigation and the same was also allowed by the jurisdictional Magistrate, Uthamapalayam. But according to the petitioners, a subsequent Presiding Officer chose



to close the said proceedings and wanted to get along with the trial. Therefore, the second petitioner herein filed two revision cases before the Sessions Court in Crl.R.P.Nos.15 and 17 of 2017. According to the petitioners even during the pendency of these two revision proceedings, the learned Trial Judge wanted to get along with the matter and issued witness warrant against them. Challenging the same, this Criminal Original Petition came to be filed.

4. When the matter was taken up for hearing, the first petitioner Abdul Hameed states that the witness warrant has since been set aside.

5. Therefore, I am of the view that nothing survives for further adjudication. However, in the interest of justice, the learned Principal District Judge, Theni, is directed to dispose of both these revision petitions filed in Crl.R.P.Nos.15 and 17 of 2017 filed by the second petitioner K.Mohamed Siddiq, as early as possible.

6. This Criminal Original Petition stands disposed of with this direction. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

To

1. The Principal District Judge, Theni.
2. The Judicial Magistrate Court, Uthamapalayam.
3. The Inspector of Police,  
Cumbum North Police Station, Theni District.
4. K. Abdul Hamed,  
S/o. Hajee. U. Kader Mohideen,  
3/16, AM. Church Street, Cumbum 625 516.  
Theni District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

**Crl.O.P. (MD) No.16245 of 2018**

**03.03.2020**

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