

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2021

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1489 of 2021

R.Vasanthi, S/o.Rajamanickam .. Petitioner/Defacto
Complainant

Vs

1. State by
The Inspector of Police,
District Crime Branch,
Nagapattinam District ...1st Respondent/Complainant
(Crime No.09 of 2020)

2. A.Thomas Alwa Edison,
S/o.Arokiyaraj ... 2nd Respondents/Accused-1

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to set aside the order of rejection of remand passed by the Learned Judicial Magistrate Court No.I, Nagapattinam dated 19.12.2020 in Crime No.9/2020 pending on the file of Inspector of Police, District Crime Branch, Nagapattinam.

For Petitioner :Mr.P.Muthamizhselvakumar

For Respondents:Mr.M.Mohammed Riyaz
Additional Public Prosecutor for R1
Mr.N.R.Elango, senior counsel
for M/s.Raj Thilak for R2

ORDER

This petition has been filed challenging the order passed by the Court below refusing to remand the second respondent to judicial custody after he was arrested and produced before the court below by the respondent police.

2. Heard Mr.P.Muthamizhselvakumar, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the first respondent and Mr.N.R.Elango, learned senior counsel for the second respondent.

3.This Court has carefully gone through the order passed by the court below refusing the remand of the second respondent. The court below has properly applied its mind and has also taken into consideration the guidelines issued by this court and the court below was perfectly right in insisting for issuance of notice under Section 41 A of Cr.P.C. to the second respondent. This is a case which is borne out by documents and therefore, the court below was of the opinion that this case will not require custodial interrogation of the second respondent. This Court does not find any irregularity or infirmity in the order passed by the Court below.

4.In the result, the order passed by the court below is sustained and this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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To

1. The Judicial Magistrate Court No.I,
Nagapattinam
2. The Inspector of Police,
District Crime Branch,
Nagapattinam District
3. The Public Prosecutor,
High Court of Madras.

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Cr1.O.P.No.1489 of 2021

PL(CO)
KM(21/04/2021)