

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.6083 of 2021

and

Crl.M.P No.3972 of 2021

Sathish Kumar

... Petitioner

vs.

1. State by

The Inspector of Police,
Vellore North Police Station (Crime),
Vellore District.
(Crime No.95 of 2014)

2.Bakthavachalam.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC.No.07 of 2020 on the file of the Judicial Magistrate No.4, Vellore in Crime No.95 of 2014 pending on the file of Inspector of Police, Vellore North Police Station (Crime), Vellore District and quash the charge sheet pending against the petitioner.

For Petitioner : Mr.S.Silambuselvan

For R1

: Mr.C.Raghavan

Government Advocate (Criminal Side)

ORDER

This petition has been filed challenging the proceedings in P.R.C.No.07 of 2020, on the file of the learned Judicial Magistrate No.4, Vellore.

2.The case of the prosecution is that the petitioner along with four others were making preparation to commit a dacoity and a final report has been filed before the Court below for the offence under Section 399 IPC.

3.The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he was added as A4. The learned counsel further submitted that the

petitioner has absolutely no connection with A1 to A3, who admittedly belong to Salem. The learned counsel further submitted that the two previous cases registered against the petitioner ended in acquittal and compromise and this is the only case that is pending against the petitioner.

4.Heard Mr.C.Raghavan, learned Government Advocate, appearing on behalf of the first respondent.

5.Taking into consideration the facts and circumstances of the case and also the grounds that have been raised by the petitioner, this Court deems it appropriate to grant liberty to the petitioner to raise the same grounds before the Sessions Court during the discharge stage under Section 227 Cr.P.C. Except giving this liberty, this Court is not inclined to pass any further orders in this petition.

6.This Criminal Original Petition is disposed of with a direction to the learned Judicial Magistrate No.4, Vellore, to commit the case to the concerned Sessions Court within a period of six weeks from the date of receipt of copy of this order. After the case is committed to the concerned Sessions Court and the prosecution opens the case, the petitioner can seek for discharge and workout his remedy in accordance with law. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rm
To

1. The Judicial Magistrate No.4,
Vellore.
2. The Inspector of Police,
Vellore North Police Station (Crime),
Vellore District. (Crime No.95 of 2014)
- 3.The Principal Session Judge, Vellore.
- 4.The Public Prosecutor,
High Court of Madras, Madras.

Cr1.O.P No.6083 of 2021

JPL(CO)
RMP(30/04/2021)