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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P. Nos.13079 and 13265 of 2021
and Crl.M.P. Nos.7187 & 7291 of 2021

Crl.O.P. No.13079 of 2021

Venkatesan

...Petitioner

Versus

1. The Inspector of Police,
K-11 C.M.B.T. Police Station,
Chennai city.
(Crime No.1112 of 2018)

2.Sathish

...Respondents

Criminal original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records a case in C.C. No.3258 of 2019 on the file of Metropolitan Magistrate V, Egmore, Chennai and quash the same.

Crl.O.P. No.13265 of 2021

Venkatesan

...Petitioner

Versus

1. The Inspector of Police,
K-11 C.M.B.T. Police Station,
Chennai city.
(Crime No.704 of 2018)

2.Ragu

... Respondents

Criminal original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records a case in C.C. No.3259 of 2019 on the file of Metropolitan Magistrate V, Egmore Chennai and quash the same.

For Petitioner	:	Mr. M.Subash
(in both petitions)		
For Respondent - 1	:	Mr. A.Damodaran
(in both petitions)		Counsel for Govt. of Tamilnadu
		(Criminal Side)



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O R D E R

The petition in Crl.O.P. No.13079 of 2021 is filed to quash C.C. No.3258 of 2019 and the petition in Crl.O.P. No.13265 of 2021 is to quash C.C. No.3259 of 2019.

2. The petitioner is the single accused in both the cases. The contention of the petitioner is that he has been falsely implicated in these cases. According to the prosecution, the first occurrence is said to have taken place on 13.06.2018, wherein the gold chain of the second respondent in Crl.O.P. No.13265 of 2021, said to have been snatched by the petitioner near Koyambedu New colony. The second occurrence was said to have taken place on 27.09.2018, near Koyambedu Market Metro station, where the petitioner is said to broken the car window and took away a silver bowl and spoon valued around Rs.5,000/-. The petitioner was arrested in this case on 02.11.2018. It is unbelievable that the stolen articles are kept intact by the petitioner in his residence for five months and thereafter, recovery has been shown from him. Learned counsel for the petitioner submitted that he has been falsely implicated in these cases merely on presumption. Hence, he prayed to quash the petition.

3. Learned Government Counsel (Criminal side) appearing for the respondent police, submitted that in these cases the petitioner was driving a pulsar bike and the said bike was purchased by his mother, which is admitted by the petitioner. The petitioner was doing menial works and unable to sustain himself and hence, for his needs he indulged in such activities. On 13.06.2018, the petitioner consumed alcohol and thereafter, committed the offences. The balance portion of the snatched chain was available with the de facto complainant and the recovery chain from the petitioner matched with the chain available with the de facto complainant which conclusively proved that the petitioner had committed chain snatching. The recovery of articles were made on the confession of the petitioner. The petitioner had committed second offence on 27.09.2018, by breaking a car window, he took away the silver bowl and spoon. Learned Government counsel submits that the petitioner is absconding and the points raised by the petitioner are unsustainable and hence prays for dismissal of this petition.

4. Learned counsel for the petitioner submits and undertakes that the petitioner would appear before the trial Court without any loss of time and file necessary petition to recall the petition. Further, he undertakes that the petitioner will participate in trial and cooperate to complete the trial within a stipulated time.



5. Considering the submissions and on perusal of the materials, it is seen that the petitioner was arrested on 02.11.2018, and on his arrest, the articles have been recovered from him. In view of the same, this Court is not inclined to entertain the petition. The points raised by the petitioner are to be decided at the time of trial. Considering that the case is pending from the year 2019, without progress, the trial Court is directed to complete the trial within a period of four months from the date of receipt of a copy of this order.

6. Accordingly, these criminal original petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Metropolitan Magistrate V, Egmore,
Chennai
 2. The Inspector of Police,
K-11 C.M.B.T. Police Station,
Chennai city.
 3. The Public Prosecutor,
Madras High Court.
- +2 Ccs to Mr.M.Subash, Advocate, Sr 38909,38910.

Crl.O.P. Nos.13079 and 13265 of 2021

AJS (CO)
LS(23/08/2021)