



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.12.2021

Coram:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.23511 of 2021

and

Crl.M.P.No.12890 of 2021

A.Prabhakar

S/o K.R.Arumugam

Rajaram Nagar, Salem-7

(Formerly A.E., NH, Thoppur).

.. Petitioner/Accused-5

/versus/

Deputy Superintendent of Police, V & A-C,

No.11, Ramasamy Gounder Street,

Kamala Lakshmi Colony,

Dharmapuri 636 701,

Dharmapuri District.

(Cr.No.03/AC/2000)

.. Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Criminal Procedure Code praying to call for the records in related to CMP No.6060 of 2021 in Spl.C.C.No.2 of 2008 passed by the Special Judge/Chief Judicial Magistrate, Dharmapuri dated 11.11.2021 and set aside the same.

For Petitioner :Mr.G.Mutharasu

For Respondent :Mr.C.E.Pratap,

Government Advocate(crl.side)

O R D E R

Challenging the order of dismissal passed by the trial Court in C.M.P.No.6060 of 2021 in Spl.C.C.No.2 of 2008 dated 11.11.2021, to recall the sanctioning authority, Mr.Nagarajan, I.A.S for the purpose of further cross examination on the defence side, this criminal original petition has been filed by the petitioner/A5.



2. Earlier, A3 and A6 had already filed petitions in C.M.P.No.4720 of 2021 in Spl.C.C.No.1 of 2008 and C.M.P.No.4718 of 2021 in Spl.C.C.No.2 of 2008 respectively before the learned Special Judge/Chief Judicial Magistrate, Dharmapuri, to recall the above said sanctioning authority. After considering the materials on records, the trial Court has dismissed the said petitions on 07.10.2021.

3.Challenging the said dismissal Order passed by the trial Court dated 07.10.2021, A3 and A6 filed petitions in CrI.O.P.Nos.23368 and 23235 of 2021 respectively before this Court. After considering the case on merits, this Court has dismissed the said petitions on 10.12.2021 by giving reasons.

4.In the instant case, the petitioner/A5 had filed a petition before the trial Court in C.M.P.No.6060 of 2021 in Spl.C.C.No.2 of 2008 to recall the sanctioning authority for the very same purpose and the said petition was dismissed by the trial Court on 11.11.2021.

5.Challenging the said dismissal order passed by the trial Court, this petition has been filed by the petitioner/ A5.

6.Considering the fact that already similar petitions in C.M.P.No.4718 of 2021 in Spl.C.C.No.2 of 2008 and C.M.P.No.4720 of 2021 in Spl.C.No.1 of 2008 have already been dismissed by the trial Court, which was confirmed by this Court in CrI.O.P.Nos.23235 and 23368 of 2021 dated 10.12.2021 and the order passed in the above petitions squarely applies to the facts of the present case.

7.In the above circumstances, this Court finds no merit in this petition and the criminal original petition is liable to be dismissed. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Special Judge/Chief Judicial Magistrate,
Dharmapuri

2.The Deputy Superintendent of Police, V & A-C,
No.11, Ramasamy Gounder Street,
Kamala Lakshmi Colony,
Dharmapuri 636 701,
Dharmapuri District.

3.The Public Prosecutor, High Court, Madras.

CrI.O.P.No.23511 of 2021
and
CrI.M.P.No.12890 of 2021

GPL (CO)
CB (31/01/2022)