



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI. O.P. No.27463 of 2017
and
CrI.M.P.Nos.15689 and 15690 of 2017

R. Ezhilarasi @ Meena ... Petitioner

Vs

1. State
rep. By The Inspector of Police
T.R.Pattinam Police Station
Karaikal
Pudhucherry.

2. J. Asik @ Shahul Hameed Asik ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in P.R.C.No.6 of 2017, pending on the file of the learned Judicial Magistrate No.II, Karaikal, Pudhucherry.

For Petitioner ... Mr.R.Vivekananthan
For Respondents ... Mr.V.Balamurugane
Additional Public Prosecutor (Pondy)
for R.1.
Ms.Kavitha
for Mr.S.Sounther
for R.2.

O R D E R

This Criminal Original Petition has been filed to quash P.R.C.No.6 of 2017, pending on the file of the learned Judicial Magistrate No.II, Karaikal, Pudhucherry.

2. Heard Mr.R.Vivekanthan, learned counsel for the petitioner, Mr.V.Balamurugane, learned Additional Public Prosecutor (Pondicherry) for the first respondent and Ms.Kavitha, learned counsel for the second respondent.

3. Learned counsel appearing for the petitioner fairly submitted that the offence alleged is the continuation of offence in Crime No.1 of 2017, under Sections 147, 148, 332,



395, 307, 448, 302, 427, 120 (B), 302 IPC r/w. 149 IPC and Sections 3 and 4 of Explosive Substances Act, 1908. For one alleged incident, two separate cases had been registered by the respondent Police, viz., Crime No.1 of 2017 and Crime No.2 of 2017. Hence, the case in P.R.C.No.6 of 2017 is unsustainable in the eye of law.

4. The prosecution case itself indicate that after committing the alleged offence punishable under Sections 147, 148, 332, 395, 307, 302, 427 of the Indian Penal Code and Sections 3 and 4 of the Explosives Substances Act, 1908, r/w. 149 of the Indian Penal Code, committing the alleged murder of the deceased, in continuation of the same prosecution, the accused thrown explosive substances in the premises of the deceased. In such a view of the matter, this Court is of the view that though different final report is filed, the Magistrate shall club the charges with the main case and commit the case to the learned Sessions Judge.

5. With the above direction, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

mvs

To

1. The Judicial Magistrate No.II,
Karaikal, Pudhucherry.
2. The Inspector of Police
T.R.Pattinam Police Station
Karaikal
Pudhucherry.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Vivekananthan, Advocate SR.No.67187

Cr1. O.P. No.27463 of 2017

GSM(CO)

GMV(05/01/2022)