



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2551 of 2021
in
CRL RC(MD)No.252 of 2021

MAHESHWARAN

... PETITIONER/PETITIONER

Vs

1.THE DEPUTY SUPERINTENDENT OF POLICE,
ALANGUDI SUB DIVISION, PUDUKOTTAI DISTRICT.

2.THE STATE REP.BY
THE INSPECTOR OF POLICE,
MALAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO.87/2016.

3.MATHIALAGAN

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Stay the operation of the impugned order passed in Crl. M.P No.46/2021 in S.C.No.145/2017 dated 20.01.2021 on the file of the Learned Mahila Judge, Pudukkottai till the disposal of the main Criminal Revision Petition.

PRAYER IN CRL RC(MD)No.252 of 2021:

Pleased to call for the records pertaining to the impugned order passed in Crl.M.P.No.46 of 2021 in S.C.No.145 of 2017 dated 20.01.2021 on the file of the Learned Mahila Judge, Pudukkottai and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.G.KARUPPASAMY PANDIYAN, Advocate for the petitioner and of Mrs.S.BHARATHI Government Advocate on behalf of the Respondents 1 and 2, while admitting the Criminal Revision Case, the court made the following order:-

The petitioner filed this petition to stay the operation of the impugned order passed in Crl.M.P.No.46 of 2021 in S.C.No.145 of 2017, dated 20.01.2021, on the file of the Mahila Judge, Pudukkottai, till the disposal of the Criminal Revision.



2.On the side of the petitioner, it is stated that the petitioner's name is not found in the F.I.R and in the charge sheet filed under Section 319 Cr.P.C., only based on the evidence of P.W.1, the petitioner's name has been included. The petitioner was not given an opportunity to contest the case. The trial Court failed to follow the procedures under section 319 Cr.P.C. On the date of filing of the petition itself, the Court has passed the impugned order and the impugned order is not a speaking order and there are much more points for consideration in the Criminal Revision and prayed for a stay till the disposal of the Criminal Revision.

3.It is seen that there are some points for consideration in the Criminal Revision. Hence, this petition is allowed and there shall be an order of interim stay till the disposal of the Criminal Revision.

sd/-
25/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.THE JUDGE, MAHILA COURT,
PUDUKKOTTAI.
- 2.THE DEPUTY SUPERINTENDENT OF POLICE,
ALANGUDI SUB DIVISION, PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MALAIYUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.G.KARUPPASAMY PANDIYAN Advocate SR.No.2669

ORDER
IN
CRL MP(MD) No.2551 of 2021
in
CRL RC(MD)No.252 of 2021
Date :25/03/2021

LS
TK/PN/30.03.2021/2P/6C