



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.5161 of 2021

and

Crl.MP(MD).Nos.2956 & 2957 of 2021

1. Sundar
2. Mahesh
3. Krishna Moorthy
4. Vivegananathan
5. Sivakumar

... Petitioners

Vs.

1. State Rep by
Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No.322 of 2017)

2. Thilgavathi

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pursuant to the C.C.No.48 of 2018 on the file Judicial Magistrate Court, Palani and quash the same by allowing this Criminal Original Petition.

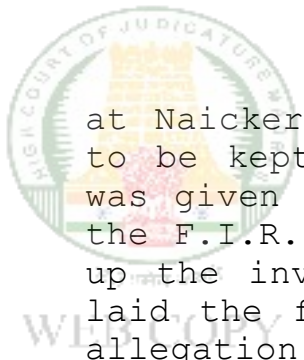
For Petitioner : Mr.M.Mariappan

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)
for R1.

ORDER

This Criminal Original Petition is filed seeking a direction to call for the entire records pursuant to C.C.No. 48 of 2018 on the file of the learned Judicial Magistrate Court, Palani and quash the same by allowing this Criminal Original Petition.

2. The case of the prosecution is that on 08.09.2017 under the head of Sub Collector, Special Thasildhar (Adhi Dravidar Welfare Department), Regional Deputy Thasildhar, Revenue Inspector and Village Assistant, inspected the Sarvana bricks Chambers located



at Naicker Thottam, Palani. At the time, four persons were found to be kept as bonded labourers and were rescued. The complaint was given by the Village Administrative Officer on 11.09.2019 and the F.I.R. was registered in Crime No.322 of 2017 and Police took up the investigation and collected the materials and thereafter, laid the final report on 30.09.2017 before the trial Court. The allegation against this petitioners is that they have committed offence punishable under Section 16 of Bonded Labour System (Abolition) Act 1976. Challenging the same, seeking quashment of the final report, the accused are before this Court by way of this Criminal Original Petition.

3. After hearing the learned counsel for the petitioner, this Court finds no merit in the petition. The only ground which is made in the petition is that none of the allegations mentioned in the final report against these petitioners are true. But as mentioned, during the inspection made by the official, those persons were rescued and during the course of investigation statements were also recorded. The statement of the victims were also recorded and also during the course of trial, cross examined witnesses. So, this Court finds that there is no merit in the petition and this Criminal Petition stands dismissed. But however, considering the request made by the learned counsel for the petitioners, personal appearance of the petitioners 1 and 2 is dispensed with before the trial Court. But considering the age of the third petitioner, he shall appear before the trial Court within 15 days from the date of receipt of a copy of this order and shall file an undertaking affidavit by affixing attested photo that he will appear as and when required and further direction that the trial Court shall complete the trial within six months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

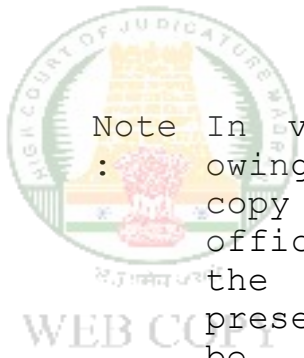
Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

kmm



Note In view of the present lock down
: owing to COVID-19 pandemic, a web
copy of the order may be utilized for
official purposes, but, ensuring that
the copy of the order that is
presented is the correct copy, shall
be the responsibility of the
advocate/litigant concerned.

To

1.The Judicial Magistrate,
Palani.

2.The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

Copy to
The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.M.MARIAPPAN, Advocate (SR-15590[F] dated 09/04/2021)

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KM(30.06.2021) 3P 5C