



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD)No.14413 of 2021

WEB COPY

Hariharaputhiran

... Petitioner/Accused

Vs

1.The Commissioner of Police,
Commissioner Office Campus,
Alagar Kovil Road,
K.Pudhur, Madurai.

2.The Inspector of Police (Crime)
Vilakuthoon Police Station,
Madurai City.
(In Cr;.1442/2020)

... Respondents/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second respondent to dispose Cr.M.P.No.1082 of 2021 in Crime No.1442 of 2020 pending on the file of the learned Judicial Magistrate No.1, Madurai.

For Petitioner : Mr.A.Raja

For R1 & R2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner herein is figuring as accused No.1 in Crime No.1442 of 2020 registered on the file of the second respondent for the offences under Section 406, 409, 420, 467, 468 & 471 of IPC. He filed Cr.M.P.No.1082 of 2021 under Section 306 of Cr.P.C for turning an approver.

2. The grievance of the petitioner is that the said petition filed by him has not been disposed of till date. The learned counsel drew my attention to the decision reported in **2002 CriLJ 2990 (Konajeti Rajababu Vs. State of Andhra Pradesh)** for the proposition that even an accused can apply for tender of pardon under Section 306 of Cr.P.C. In such an event, the Court must first refer his request to the prosecuting agency and ask for its response and thereafter, the Court will have to take a call in the matter.



3. The court below cannot keep the application indefinitely pending. Hence, the learned Judicial Magistrate No.1, Madurai is directed to dispose of Cr.M.P.No.1082 of 2021 filed by the petitioner in Crime No.1442 of 2020 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. It is entirely for the court below to take a call in the matter.

4. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Rmi

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 No.1. Madurai.

2.The Commissioner of Police,
Commissioner Office Campus,
Alagar Kovil Road,
K.Pudhur, Madurai.

3.The Inspector of Police (Crime)
Vilakuthoon Police Station, Madurai City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.

CrI.O.P (MD)No.14413 of 2021
17.11.2021

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