



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No. 19746 of 2021

Sarathkumar

... Petitioner/Accused No.2

Vs.

The State represented by
The Inspector of Police,
Sholavanthan Police Station,
Sholavanthan.
(Crime No.125 of 2019)

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the entire records pertaining to the judgment of acquittal passed in S.T.C.No.218 of 2020 dated 30.09.2021 and set aside the observation of the learned Judicial Magistrate, Vadipatti, as acquittal on charge was not proved "beyond reasonable doubt" and consequently, declare the petitioner as acquitted honourably.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.M.Sakthi Kumar

Government Advocate (Criminal Side)

ORDER

The petitioner was shown as A.2 in S.T.C.No.218 of 2020 on the file of the Judicial Magistrate, Vadipatti. By the judgment dated 13.09.2021, the case ended in acquittal. The petitioner has filed this Criminal Original Petition for getting a declaration that the petitioner was acquitted honorably. The petitioner has enclosed a copy of the order dated 04.06.2019 made in Crl.O.P.No.4946 of 2019.

2. The learned Government Advocate rightly pointed out that the Hon'ble First Bench of this Court vide order dated 13.11.2019 passed in W.A.No.3877 of 2019, had held that the inherent powers of this Court are not available for granting such declaration. In view of the said judgment in C.Surendhar V. Director General of Police, Chennai, and others reported in 2019 (6) CTC 465, the proper course in this Criminal Original Petition is not



maintainable. Leaving open the petitioner's other rights and remedies, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS II)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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.Judicial Magistrate,
Vadipatti.
- 2.The Inspector of Police,
Sholavanthan Police Station,
Sholavanthan.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**Crl.O.P. (MD)No.19746 of 2021
14.12.2021**

MMS (CO)
SB(07.01.2022) 2P 4C