

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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.SESHASAYEE

**CRL OP(MD) No.13523 of 2018
and
CRL MP(MD)No.6091 of 2018**

KAMALAM

... PETITIONER

Vs

1 RAJAMOHAN

2 PALANISAMY @ MYLAPPURAN CHETTIAR

3 SUBRAMANIAN

4 SAMIYATHAL

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to call for records and set aside the order dated 13.03.2018 and quash all further proceedings in C.C.No.23 of 2005 on the file of on the file District Munsif cum Judicial Magistrate, Vedasandur in so far as it relates to framing of charges and issuance of summons to PW1 TO PW5 for cross examination by the accused and allow this original petition with a direction to the Trial Court to proceed with this case from the stage of closure of complainants side evidence

Prayer in CRL MP(MD). 6091/ 2018 :

To stay the operation of the proceedings in C.C.No.23 of 2005 on the file of District Munsif cum Judicial Magistrate, Vedasandur in so far as it relates the framing of charges on 13.03.2018 and issuance of summons to PW1 to PW5 for their cross examination, pending disposal of this criminal original petition

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.H.LAKSHMI SHANKAR, Advocate for the petitioner and of Mr.S.ANAND CHANDRASEKAR, Advocate for R1 to R4, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>
This petition is filed to quash the proceedings in C.C.No.23 of 2005, which relates to very many charges and issuance of fresh summon to P.W.1 to P.W.5 for cross examining by the accused.

2. The learned counsel for the petitioner submits that in C.C.No.23 of 2005 charges were framed on 15.11.2007 and subsequently charges were framed on 28.11.2007, that the trial of the case has commenced, and that the case is approaching the argument stage. But the learned Magistrate has again posted the matter for framing charges and again issued summons to P.W.1 to P.W.5. This is now under challenge.

3. Mr.S.Anand Chandrasekar, learned counsel has entered appearance for the respondents 1 to 4.

4. The Registry is directed to obtain explanation from the learned District Munsif cum Judicial Magistrate, Vendasandur, on the allegations made as to the conduct of the proceedings in C.C.No.23 of 2005. The report shall reach this Court on or before 08.03.2019. Post the matter on 14.03.2019.

5. Interim order already granted is extended till then.

sd/-
11/02/2019

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDASANDUR

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

COPY TO:- THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

WEB COPY

ORDER
IN
CRL OP (MD) No.13523 of 2018
and
CRL MP (MD) No.6091 of 2018
Date : 11/02/2019

MSI/VR/SAR 2/27.02.2019/2P/4C