



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P.NO.10675 OF 2019

AND

CRL.M.P.NO.5487 OF 2019

S.Palanisami

... Petitioner/5th Accused

.Vs.

1. The Inspector of Police,
Veeraganur Police Station,
Salem.

2. Angusamy

... Respondent/Complainant/
De-facto Complainant

PRAYER:-

Criminal Original Petition has been filed under Section 482 of Cr.P.C, praying to call for the records in the proceedings in S.C.No.278 of 2018 on the file of the Assistant Sessions Judge, Attur, Salem and quash the same insofar as the Petitioner/A5 is concerned.

For Petitioner : Mr.R.Chandrasudan

For Respondent 1 : Mr.R.Vinoth Raja
Government Advocate
(Criminal Side)

ORDER

This Criminal Original Petition had been filed to call for the records in the proceedings in S.C.No.278 of 2018 on the file of the learned Assistant Sessions Judge, Attur, Salem and quash the same insofar as the Petitioner/A6 is concerned.

2. Learned Counsel for the Petitioner/A6 submits that as per the Accident Register only two persons were involved in the



alleged occurrence. Learned Counsel for the Petitioner invited the attention of this Court to the copy of the Accident Register filed along with the typed set of papers and also relied on the sentence in the complaint. Subsequently, as an after thought, the Investigation Officer had filed an alteration report whereby the provisions under Section 147 and 148 of IPC had been included. Only to facilitate the same, falsely they arrayed two other accused A5 and A6. At the admission stage, this Court had granted stay regarding A6 alone. Since this Petitioner had been arrayed as an Accused later on, as an after thought, by the Investigation Officer, he prays for quashing the proceeding in S.C.No.278 of 2018 in respect of this Petitioner/A6.

3. Learned Government Advocate (Crl. Side) appearing on behalf of the prosecution by way of reply submitted that what are all submitted by the learned Counsel for the Petitioner cannot be considered at this stage in this Criminal Original Petition and it is a matter of evidence before the trial Court since the case had been committed to the Court of the Assistant Sessions Judge, Attur, Salem. Now, the valuable defence cannot be considered to quash the sessions case.

4. Considering the line of argument made by the learned Government Advocate (Crl. Side), this Criminal Original Petition is dismissed with a direction to the learned Assistant Sessions Judge, Attur, Salem, to consider the defence of the persons A-5 and A-6, who had been arrayed as Accused, as an after thought by the prosecution, while framing charges. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

SRM

To

1. The Assistant Sessions Judge,
Attur, Salem.
2. The Inspector of Police,
Veeraganur Police Station,
Salem.



3. The Public Prosecutor,
High Court, Madras.

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EV (CO)
PBS/10/05/2022

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