



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.252 of 2022

and

Crl.M.P. (MD)Nos.153 and 154 of 2022

Chinnachamy ... Petitioner/Accused No.18
Vs.

1.The State represented by
The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
(Crime No.104 of 2012) ... 1st Respondent/Complainant

2.Dinakaran ... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the charge sheet filed in P.R.C.No.22 of 2018 on the file of the learned Judicial Magistrate Court No.II, Usilampatti and quash the same as illegal as against the petitioner is concerned.

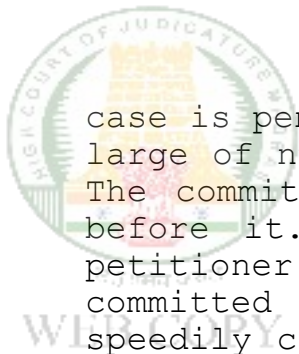
For Petitioner : Mr.R.Karunanidhi
For Respondent : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

2.This criminal original petition has been filed challenging the final report. The petitioner is facing committal proceedings for the offences under Sections 420, 379 of IPC r/w. Section 20 (1) (iv) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. I am not however persuaded by the same, in view of the contentious nature of the facts involved. All the contentions and defences of the petitioner are left open. However, I see considerable substance in the petitioner's counsel contention that for more than three years, the



case is pending at the committal stage. It appears that there are a large of number of accused and that most of them are not appearing. The committal Court shall ensure that all the accused are present before it. If that is not possible, the case against and the petitioner and the available accused shall be split up and the case committed to the Sessions Court so that the trial itself can be speedily concluded. I am constrained to issue a such a direction, because even according to the prosecution, the occurrence had taken place way back in October 2012. The petitioner is given leave to file discharge petition before the Sessions Court after the case is committed.

4.With this direction to the committal Court, this criminal original petition is disposed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-I)

// 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.The Judicial Magistrate No.II, Usilampatti.

2.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

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

Crl.O.P(MD)No.252 of 2022
07.01.2022

nsn(CO)

TR(31.01.2022) 2P 4C