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CrI.O.P.No.9580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.06.2023

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THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.9580 of 2023

and

CrI.M.P.No.6251 of 2023

1. Muniyappan

2. Kumar

... Petitioners

Vs.

State Rep. By,
The Inspector of Police,
Prohibition Enforcement Wing,
Polur, Thiruvannamalai District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to set aside the order dated 23.03.2023 passed by the learned Judicial Magistrate Court at Arani, Thiruvannamalai District and remand the accused in Crime No.325 of 2023 on the file of the respondent police.

For Petitioners : Mr.S.L.Venkatesan

For Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (CrI. Side)



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ORDER

This Criminal Original Petition has been filed to set aside the order dated 23.03.2023 passed by the learned Judicial Magistrate Court at Arani, Thiruvannamalai District.

2. When the matter was taken up for hearing on 27.04.2023, learned counsel for the petitioners submitted that, false case was registered against the petitioners in Crime No.325 of 2023 by the respondent police and they were remanded on 23.03.2023. This order of remand was challenged on the ground that this case was false and there is a delay in production of the accused before the learned Judicial Magistrate. Further submission of the learned counsel for the petitioners was that the 1st petitioner was remanded from 23.03.2023 to 06.04.2023 and thereafter his remand was extended from 10.04.2023 to 24.04.2023 and then from 24.04.2023 to 27.04.2023. It was his further submission that, it is a case where no proper and valid remand from 06.04.2023 to 10.04.2023. It was also submitted that extension of remand from 10.04.2023 to 13.04.2023 was illegal. Thus, this Court directed the Registry to call for report from Judicial Magistrate, Arani as to the date on which the 1st petitioner was remanded and subsequent remand extension with dates. The learned Magistrate was informed that, if there was no valid remand by Judicial Order



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from 06.04.2023 to 10.04.2023, subsequent remand extension from 10.04.2023

and on 13.04.2023 was illegal.

3. The learned Judicial Magistrate, Arani sent a report with details of days of remand of the petitioners and other accused. It is seen from the report that, 1st petitioner was remanded on 23.03.2023 to Judicial Custody. On 30.03.2023, he was taken to police custody. He was subsequently remanded to Judicial Custody from 30.03.2023 to 13.04.2023 and from 13.04.2023 to 27.04.2023 and then from 27.04.2023 to 11.05.2023.

4. Thus, it is seen from the report of the learned Judicial Magistrate, Arani, 1st petitioner was remanded genuinely and legally from 23.03.2023 to 11.05.2023. Therefore, submission of the learned counsel for the petitioners that there was no proper and valid remand from 07.04.2023 to 13.04.2023 is not correct. By not properly verifying and giving false information, this petition is filed. By filing this petition, not only the precious time of this Court, but also the precious time of the learned Judicial Magistrate, Arani is wasted. Hence, this Criminal Original Petition is dismissed with Costs. Consequently, connected miscellaneous petition is closed.



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5. Accordingly, the petitioners are directed to make non refundable deposit of **Rs.1,000/- (Rupees One Thousand only)** to the credit of Chief Justice Relief Fund, High Court of Madras, within a period of three weeks from the date of receipt of copy of this order

06.06.2023

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To,

1. The Judicial Magistrate, Arani.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Polur, Thiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN,J.

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