



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16644 of 2023
and Crl.M.P.No.10642 of 2023

Anbarasan

.. Petitioners

Vs.

The State Represented by

1.The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore.

2.The Sub-Inspector of Police,
Cuddalore OT Police Station,
Cuddalore.

3.Jeyaraman

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to STC No.222 of 2017 on the file of the learned Judicial Magistrate-II, Cuddalore and quash the same.

For Petitioner : Ms.K.Akshaya

For R1 and R2 : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER



This petition has been filed to quash the proceedings in STC No.222 of 2017 pending on the file of the learned Judicial Magistrate-II, Cuddalore.

2.The case of the prosecution is that on 24.10.2016 at about 6.15 a.m., the petitioner was found to be in possession of a mobile phone inside the Central Prison, Cuddalore. The petitioner was a life convict and while, he was inside the prison he was found in possession of the mobile phone. Accordingly, based on the complaint given by the 3rd respondent, an FIR came to be registered in Crime No.694 of 2016 for offence under Section 42 of the Prisons Act, 1894. The investigation was completed and final report was filed before the Court below and the Court below has taken the same on file in STC No.222 of 2017.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 and 2.

4.The main ground that was urged by the learned counsel for the petitioner is that for the very same incident, the petitioner was punished by the prison authorities by way of stopping the visiting rights, stopping the advocate visits, stopping the parole and also restrained the petitioner from usage of prison telephone for a period of three months. In



view of the same, it was contended that the petitioner should not be once again punished for the same incident.

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5. When the matter came up for hearing during the last occasion, this Court directed the learned Government Advocate to verify if there is any other complaint against the petitioner inside the prison. The learned Government Advocate on instructions submitted that this was the only complaint against the petitioner.

6. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has already been punished by the prison authority by canceling the perks for a period of three months and considering the nature of allegations, this Court is inclined to interfere with the proceedings pending before the Court below. No useful purpose will be served in continuing with the proceedings. The petitioner has already been punished by the prison authority and in the considered view of this Court, the petitioner should not be once again punished for the same issue.

7. In the light of the above, the proceedings in STC No.222 of 2017 pending on the file of the learned Judicial Magistrate-II, Cuddalore, is hereby quashed.



N.ANAND VENKATESH, J

ssr

8. Accordingly, this criminal original petition stands allowed. Consequently, connected miscellaneous petition is closed.

18.08.2023

Index : Yes/No

Internet : Yes/No

Speaking/Non-Speaking Order

ssr

To

1. The Inspector of Police,
Cuddalore OT Police Station,
Cuddalore.
2. The Sub-Inspector of Police,
Cuddalore OT Police Station,
Cuddalore.
3. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.16644 of 2023
and Crl.M.P.No.10642 of 2023