



CRL.O.P.No.22746 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.22746 of 2019
and Crl.M.P.No.11830 of 2019

Ramu @ Raghavan @ Raghu

... Petitioner

Vs.

1.State by
Deputy Superintendent of Police
Thirukovilur Sub-Division,
Villupuram District.

2.Inspector of Police
Thirukovilur Police Station
Villupuram District.
(Crime No.132 of 2015)

3.Silambarasan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in S.C.No.57 of 2017 on the file of learned Sessions Judge, (Special Judge for SC / ST Cases) Villupuram, Villupuram District.



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For Petitioner : Mr.Balu K

For Respondents : Mr. A.Damodaran
Additional Public Prosecutor for
R1 and R2

No Appearance for
R3

ORDER

This petition is to quash the final report for the alleged offences under Sections 147, 148, 294(b), 323, 324, 506(2) of Indian Penal Code and Sections 3(2) (va), 3(1) (r), 3(1)(s) of SC/ST (POA) Act, 2015.

2. It is alleged in the final report that the petitioner/A8 along with the others had abused and attacked the defacto complainant and also insulted his caste.

3. Mr. Balu. K, the learned counsel for the petitioner/A8 would submit that the petitioner is shown as Ramu alias Raghavan alias Raghu; that the prosecution against him is on the basis of mistaken identity; that the petitioner is a college going student and at the time of alleged



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occurrence, he had attended the college. He produced the attendance register of the college, where he studied to substantiate the same. He further submitted that there was one more person by the same name and instead of prosecuting him, the petitioner has been wrongly prosecuted.

4. Mr.A.Damodaran, the learned Additional Public Prosecutor for the first and second respondents, however would submit that the question as to whether the petitioner was present at the time of occurrence or not, cannot be adjudicated in the instant quash petition and the same has to be adjudicated only before the Trial Court and prayed for the dismissal of the quash petition.

5. Though notice has been served on the third respondent, none has entered appearance on behalf of him.

6. This Court finds that the petitioner has produced documents to show that he was a college going student at the time of occurrence.



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He studied in Vinayaga Mission College of Pharmacy at Salem. He had also produced the attendance register for the relevant date. However, this Court is of the view that the said document has to be established only before the Trial Court. It is open to the petitioner to show that he could not have been present at the occurrence before the Trial Court by producing the above said documents. This Court cannot adjudicate the same in this quash petition. Hence, this Court is not inclined to entertain this quash petition. As stated earlier, it is open to the petitioner to raise all the points before the Trial Court. Since it is stated that the petitioner is pursuing a job now, the appearance of the petitioner before the Trial Court is dispensed with unless the Trial Court considers his presence necessary for the progress of the Trial.

7. Since the case is of the year 2019, the learned Sessions Judge, (Special Judge for SC/ST Cases) Villupuram, Villupuram District may expedite the trial process and conclude it preferably within a period of six (6) months from the date of receipt of a copy of this order.



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8. With the above observations, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

19.06.2023

Index : Yes/No
NCC : Yes/No
dk

To

- 1.The Sessions Judge, (Special Judge for SC/ST cases)
Villupuram,
Villupuram District.
- 2.The Deputy Superintendent of Police
Thirukovilur Sub-Division,
Villupuram District.
- 3.The Inspector of Police
Thirukovilur Police Station
Villupuram District.
- 4.The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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SUNDER MOHAN,J.

dk

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19.06.2023