



Crl.O.P.(MD)No.3256 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3256 of 2023

1.Azhagesan

2.Prasanth

3.Sridhar

4.Velayutham

... Petitioners

Vs.

State rep. by the Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.204 of 2013.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set aside the order made in CFR.No.13477 of 2022 in UF Crl.M.P.No. in SC.No.267 of 2013, dated 30.11.2022 on the file of the Principal Sessions Judge, Thanjavur and to remand back in S.C.No.267 of 2013 to the Judicial Magistrate No.III, Thanjavur.

For Petitioners : Mr.K.Arun Raj

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking direction to set aside the order made in CFR.No.13477 of 2022 in UF Crl.M.P.No. in SC.No.267 of 2013, dated 30.11.2022 on the file of the Principal Sessions Judge, Thanjavur and to remand back in S.C.No.267 of 2013 to the Judicial Magistrate No.III, Thanjavur.

2. The learned counsel for the petitioners would submit that the petitioners are facing charges for the offence under Sections 341, 294(b), 352 IPC and Section 3(1) of TNPPDL Act. The petitioners have filed the petition to remand back the trial to the Magistrate Court. That was dismissed by the learned Principal Sessions Judge stating that there is no provision to remand back the case to the trial Court after framing of charge and the petition cannot be entertained.

3. The learned Additional Public Prosecutor appearing for the State would submit that now the entire trial process is over and the case stands posted for arguments.



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4. In view of the above said circumstances, the Criminal Original Petition is not maintainable and the same is liable to be dismissed. Accordingly, this petition is dismissed. The petitioners are at liberty to make their defence before the trial Court at the time of arguments.

21.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
das

To

1. The Principal Sessions Judge, Thanjavur.
2. The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN,J.

das

Order made in
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