



Crl.O.P.(MD) No.3936 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD) No.3936 of 2020

and

Crl.M.P(MD)Nos.2167 & 2168 of 2020

- 1.Radhakrishnan
- 2.Ganesan
- 3.Arumugam

...Petitioners/A2 to A4

Vs.

- 1.State
Rep. by its Inspector of Police,
Devakkottai Town Police Station,
Sivagangai District.
(Crime No.447/2017)

- 2.Manickavasagam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records relating to C.C.No.54 of 2018 pending on the file of the learned Judicial Magistrate, Devokkottai and quash the same insofar as the petitioners are concerned.



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For Petitioners : Mr.R.Murali for
Mr.T.Balakrishnan

For Respondents : Mr.R.Meenakshi Sundaram
Addl. Public Prosecutor (for R1)

No appearance for R2

ORDER

The petitioners are Accused Nos.2 to 4 in C.C.No.54 of 2018 on the file of the learned Judicial Magistrate, Devokkottai. They sought for quashing of the charge sheet since no offences have been made out against them.

2.The allegations in the charge sheet are that the petitioners along with other accused have conspired to cause death to the defacto complainant, who was working as Tahsildar. The first accused was charged for the offences under Sections 120-B, 294(b), 186 and 506(ii) IPC. The accused Nos.2 to 4/the petitioners herein were charged for the offences under Section 120-B IPC.



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3.The learned counsel appearing for the petitioners submitted that apart from the charge of conspiracy, there are no other allegations against the petitioners/A2 to A4. That apart, two witnesses cited by the prosecution, namely, L.W.5 and L.W.6 are not reliable witnesses. Their statement with regard to the alleged conspiracy is highly improbable. The learned counsel also produced the deposition of L.W.5, who was examined as P.W.3, which shows that the said witness has turned hostile.

4.The learned Additional Public Prosecutor submitted that four witnesses have already been examined by the prosecution and the prosecution would complete the trial within a period of one month.

5. On perusal of the impugned charge sheet, this Court finds that except charge under Section 120-B IPC, there are no other allegations against the petitioners in the quash petition, who are arrayed as A2 to A4. Even with regard to the charge of conspiracy, one of the witnesses, namely, L.W.5, who was examined as P.W.3, has turned hostile.



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However, having regard to the fact that the trial is in the advanced stage and nearing completion, this Court is not inclined to quash the impugned charge sheet at this stage. However, having regard to the submission made by the learned counsel for the petitioner, the Trial Court is directed to complete the trial within a period of one month from the date of receipt of the copy of this order. The appearance of the petitioners before the Trial Court is dispensed with unless the Trial Court deems their presence necessary for the progress of the trial.

6. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

skn

03.02.2023

NCC:Yes/No

Internet:Yes/No

Index:Yes/No

To

1. The Judicial Magistrate, Devakkottai.

2. The Inspector of Police,
Devakkottai Town Police Station,
Sivagangai District.

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

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SUNDER MOHAN, J.

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