



Crl.O.P(MD)No.12581 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P(MD)No.12581 of 2023

R.Bright (John Wilfert Raj) ... Petitioner

vs.

1.The Sub Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.

2.Vijaya Sarathi ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in S.T.C.No.155/2023 on the file of the Judicial Magistrate No.II, Kuzhithurai and quash the same.

For Petitioner : Mr.M.Punitha Deva Kumar

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

ORDER

This petition is filed seeking for quashment of Charge sheet in S.T.C.No.155/2023 on the file of the Judicial Magistrate No.II, Kuzhithurai.

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2. According to the learned counsel for the petitioner, the petitioner was not at all present in the scene of occurrence and he is no way connected with the alleged offence. He has filed pictures to show that at the time of alleged offence, the petitioner/A3 was along with his daughter at the Railway Station, which is about 5 kms away from the scene of occurrence. He has submitted that the copies of the photos taken are from the CCTV Camera obtained from the Railway Department. It is also submitted that the witnesses produced by the Police are interested persons to the defacto complainant, thereby, those witnesses cannot be considered.

3. In order to make out a case under Section 482 of the Code of Criminal Procedure, the petitioner is expected to convince the Court that even if the contents of the Charge Sheet are accepted to be true, no case has been made out against him in respect of the offences alleged against him. The petitioner has pleaded earlier that he is not present at the scene of occurrence at the relevant point of time and that the prosecution witnesses are interested persons to the defacto complainant. All these



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questions cannot be considered in an application under Section 482 of the Code of Criminal Procedure and the petitioner has to raise the issues before the Trial Court. This Court cannot compare the statements of the witnesses and decide the veracity of the witness by conducting a mini trial to conclude the truth or otherwise.

4. Considering the same, this petition is dismissed. Learned Judicial Magistrate No.II, Kuzhithurai is directed to expedite the enquiry in S.T.C.No.155/2023 as quickly as possible, and dispose the same, not later than six months from the date of receipt of a copy of this order. The learned Magistrate is directed to consider all the grounds taken by the petitioner in this petition, during the course of trial.

14.07.2023

Speaking / Non-speaking order

NCC : Yes / No

Index : Yes / No

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To

- 1.The Judicial Magistrate No.II,
Kuzhithurai
- 2.The Sub Inspector of Police,
Pudukadai Police Station,
Kanyakumari District.



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DR.D.NAGARJUN, J.

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