



WEB COPY



Crl.O.P.(MD)No.23170 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.12.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.23170 of 2023

and

Crl.M.P(MD) Nos.18040 and 18041 of 2023

Muralitharan

... Petitioner/1st Accused

Vs.

The Sub-Inspector of Police,
Railway Protection Force,
Security Branch,
Southern Railway,
Madurai-16.
Crime No.1461 of 2012.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge Sheet in C.C. No. 170 of 2023 on the file of the Judicial Magistrate No.VI, Madurai, and quash the same as against this petitioner as illegal.

For Petitioners : Mr.T.Vadivelan

For R1 and R2 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking to call for the records pertaining to the Charge Sheet in C.C. No.170 of 2023 on the file of the Judicial Magistrate No.VI, Madurai, and quash the same as against this petitioner as illegal.



2. On the ground that the second accused filed Crl.O.P(MD) No. 11863 of 2023, this petition has been filed, stating that he is also standing in the very same footing.

3. A case was registered vide RPF Post/ MDU Crime No. 1461/2012 under Section 143(1)(a) of Railways Act, 1989 and the case was taken up by the learned Judicial Magistrate No.2/ Special Railway Magistrate case in S.T.C.No.1434 of 2012. A charge sheet in C.C.No.170 of 2023 dated 26.12.2022 was filed on the file of the learned Judicial Magistrate No.VI, Madurai. The grievance of the petitioner is that the charge sheet was filed after 10 years and 4 months.

4. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that on verification with the Investigating Officer, it is revealed that the charge sheet was filed only on 26.12.2022 before the learned Judicial Magistrate No.VI, Madurai. He would further submit that the trial is already commenced and P.W.1 was examined in chief.

5. Heard both sides.



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6. It is seen from the records that occurrence took place on 29.06.2012 and charge sheet was filed only on 26.12.2022, after completion of more than 10 years, it is barred by limitation under Section 468 of Cr.P.C. Therefore, this Court is inclined to allow this petition.

7. This criminal original petition is allowed and C.C.No.170 of 2023 on the file of the learned Judicial Magistrate No.VI, Madurai, is hereby quashed as against the petitioner herein. Consequently, connected miscellaneous petitions are closed.

21.12.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
Indu

To

1.The learned Judicial Magistrate No.VI, Madurai.

2.The Sub-Inspector of Police,
Railway Protection Force,
Security Branch,
Southern Railway,
Madurai-16.

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



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G.ILANGOVAN. J.

Indu

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