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Crl.O.P.No.6401 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P No.6401 of 2024
and Crl MP No.4735 of 2024

V.Vedarethinam

...Petitioner

Vs.

State Rep. By
Inspector of Police,
Keelaiyur

Nagapattinam district – 611 103

...Respondent/complainant

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records of the impugned order passed in PRC No.11 of 2022 dated 16.02.2024 on the file of learned District Munsif cum Judicial Magistrate, Kilvelur and set-aside the same.

For Petitioner : Mr.D.Prabhu

For Respondent : Mr.A.Damodaran, APP

ORDER

This petition has been filed challenging the order dated 16.02.2024 wherein the Court below refused to entertain the application filed by the petitioner under Section 317 of Cr.PC and directed an FIR to be registered against the petitioner under Section 229 A of IPC and further split up the case against the petitioner (A7) in PRC No.9 of 2024.



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2. Heard Mr.D.Prabhu, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

3. The petitioner along with eight other accused persons were charge sheeted and the final report was filed before the learned District Munsif cum Judicial Magistrate, Kilvelur. On the appearance of the accused persons, the Court below was taking steps to commit the case. Since the petitioner was not regularly appearing before the Court, the Court below thought it fit to commit the case insofar as other accused persons are concerned and insofar as the petitioner is concerned, the case was split up in PRC No.9 of 2024 and directions were given to register the FIR for offence under Section 229 A of IPC. Aggrieved by the same, the present petition has been filed before this Court.

4. It is brought to the notice of this Court that the case in PRC No.9 of 2024 has already been committed to the Additional Sessions Judge, Nagapattinam on 28.02.2024 with respect to all the other accused persons.



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This Court finds that the petitioner (A7) was appearing before the Magistrate Court on and off and it is not as if he had never appeared before the Court. Therefore, this Court is inclined to interfere with the order passed by the Court below in PRC No.11 of 2022 dated 16.02.2024 on the file of learned District Munsif cum Judicial Magistrate, Kilvelur and the same is hereby set-aside. The committal order that was passed by the Court below on 28.02.2024 by committing the case to the Additional Sessions Judge, Nagapattinam, will equally apply to the petitioner also. The petitioner shall appear before the Sessions Court during all hearing dates without fail. The Sessions Court shall also get a bond under Section 88 of Cr.PC.

5. In the result, this Criminal Original petition is allowed with the above directions. The Court below shall close the split up case in PRC No.9 of 224 by virtue of this order. Consequently, the connected miscellaneous petition is closed.

15.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order : Yes/No
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N.ANAND VENKATESH,J

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To

1. District Munsif cum Judicial Magistrate, Kilvelur
2. Additional Sessions Judge, Nagapattinam,
3. State Rep. By
Inspector of Police,
Keelaiyur
Nagapattinam district – 611 103
- 4.The Public Prosecutor,
High Court, Madras.

Crl OP No.6401 of 2024

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