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Crl.OP.No.15677 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.15677 of 2024

and

Crl.MP.Nos.9575 of 2024

Vairavel

... Petitioner

Vs.

1. State Rep by
The Inspector of Police,
Sankari Police Station,
Salem District.
(Cr.No.363 of 2022)

2. Vishal

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the C.C.No.248 of 2022 on the file of the Judicial Magistrate-I, Sankagiri and quash the same.

For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)
for R1



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ORDER

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This Criminal Original Petition is filed to quash CC.No.248 of 2022 on the file of learned Judicial Magistrate-I, Sankagiri.

2. The petitioner is a Government Bus Driver who was involved in a motor accident causing death of one person and grievous injury to another. The charges framed against this petitioner for the offence under Sections 279, 338 and 304A of IPC.

3. Learned counsel appearing for the petitioner reading certain portions of statement recorded under 161 of Cr.P.C submits that the accident occurred only due to the negligence of the rider of the two wheeler and not by this petitioner.

4. This Court is of the view that appreciation of the statements made by the witnesses *prima facie* indicates that the accident has occurred due to the rash and negligent driving of this petitioner. However, this fact has to be tested during the trial. Therefore, without advertng to the merits of the statements of the witnesses, the petition for quash



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dismissed. However, the petitioner shall raise all this ground in the course of the trial. Consequently, the connected miscellaneous petition is closed.

04.07.2024

Vv

To

1. The Judicial Magistrate-I,
Sankagiri
2. The Inspector of Police,
Sankari Police Station,
Salem District.
3. The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN,J.



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Vv

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