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CrI.O.P.No.30374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.30374 of 2024

and

CrI.M.P.Nos.17217 and 17219 of 2024

Katitra Debnath

... Petitioner

Vs.

1. The State represented by the
Sub-Inspector of Police,
B1, Town Central Police Station,
Udhagamandalam, Nilgiris.

2. K.Chandramohan

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to call for the records in C.C.No.13 of 2024 pending on the file of the Judicial Magistrate Court, Udhagamandalam and quash the same.

For Petitioner : Mr.Abhinav Hansaraman

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition is filed to quash the charge-sheet in
C.C.No.13 of 2024 pending on the file of the Judicial Magistrate Court,



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Udhagamandalam.

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2. The case of the prosecution is that on 06.10.2023, the petitioner had attended a book fair conducted at Nilgiris Library and at that time he stolen a copy of 'Pirates of Malabar' and the same was admitted by the petitioner in his confession statement. The respondent-Police registered a case in Crime No.436 of 2023 for the alleged offence under Section 380 IPC and final report was also filed before the learned Judicial Magistrate, Udhagamandalam on 20.12.2023 in C.C.No.13 of 2024.

3. The learned counsel for the petitioner submitted that the petitioner is an Engineer and working in a reputed company, he has nothing to do with the alleged complaint. He further submitted that the prime evidence against the petitioner is a confession statement, which was recorded in Tamil. The petitioner hails from Agartala and resides in Bengaluru and that the petitioner can neither read nor write Tamil. Therefore, confession statement recorded from the petitioner ought not be considered as an evidence. He further submitted that there is no incriminating evidence available against the petitioner to attract Section 380 IPC. Therefore, case registered against him in C.C.No.13 of 2024 has



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to be quashed.

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4. Heard both sides and perused the materials available on record.

5. On a perusal of the records, it is seen that *prima facie* there are allegations made against the accused and there is also a specific over act attributed against the petitioner, in any event, it is a matter for trial and only after completion of trial, the involvement of the petitioner will come to light. Hence this Court is not inclined to entertain this petition by invoking Section 528 BNSS Act, 2023. However, the petitioner is at liberty to take all his defences before the trial Court in C.C.No.13 of 2024.

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

04.12.2024

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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- To
1. The Judicial Magistrate,
Udhagamandalam.
 2. The Sub-Inspector of Police,
B1, Town Central Police Station,
Udhagamandalam, Nilgiris.
 3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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