



Crl.O.P.(MD)No.3139 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3139 of 2024

and

Crl.M.P.(MD)Nos.2508 and 2511 of 2024

T.Gajendran

...Petitioner

vs

**The Second Additional Assistant Sessions Judge,
Nagercoil, Kanyakumari District.**

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the above impugned show cause notice in M.C.No.1 of 2024 on the file of the learned Second Additional Assistant Sessions Judge, Nagercoil and quash the same.

For Petitioner : Mr.C.Jeganathan

ORDER

The Criminal Original Petition had been filed seeking to quash the impugned show cause notice in M.C.No.1 of 2024 on the file of the learned



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Second Additional Assistant Sessions Judge, Nagercoil.

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2.The learned Counsel for the Petitioner submitted that the Petitioner is the serving Inspector of Police. As per the Petitioner's case, the Petitioner was cited as a witness in a sessions case in S.C.No.213 of 2023 on the file of the learned II Additional Assistant Sessions Judge, Nagercoil. It is further submission of the learned Counsel for the Petitioner that the Petitioner was not the Investigation Officer. Investigation was completed by another Officer. On the day, when he was issued with summons, he had attended the marriage of his niece. Therefore, he was unable to attend the Court. Subsequently, when the second summon issued, there was a murder in his limit. Therefore, he was to proceed with the investigation related to that murder case. On the adjourned date, he appeared before the Court and deposed evidence. After completion of the trial, the learned Judge had acquitted the accused in S.C.No.213 of 2023. Still, the Petitioner was issued with a show cause notice in M.C.No.1 of 2024 for his non-appearance in the sessions case. Therefore, he seeks order from this Court to quash the show cause notice.

3.The learned Counsel for the Petitioner relied on the order passed by



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this Court in ***R.Mohanasri vs the Judicial Magistrate, Manapparai, in***

Crl.O.P(MD)No.14261 of 2017, dated 29.08.2018, wherein, the learned

Judge of this Court had observed as follows:

“2.In view of the fact that the petitioner had deposed before the Court as a witness and was examined as PW8 and the case itself has come to and end, no useful purpose will be served by keeping the proceedings initiated by the Judicial Magistrate, Manapparai, in abeyance. The proceeding initiated by the Judicial Magistrate, Manapparai has become stale and therefore the proceedings initiated against the petitioner need not be kept in abeyance any longer. In view of the subsequent development that have taken place in this case this Court deems it fit to quash the proceedings initiated against the petitioner by the Judicial Magistrate, Manapparai, by his order, dated 26.09.2017.

3.Accordingly, this Criminal Original Petition is allowed and the proceedings initiated against the petitioner by the Judicial Magistrate, Manapparai, by his order, dated 26.09.2017, in S.T.C.No.509 of 2017 is quashed. Consequently, connected miscellaneous petition are closed.”

4.The learned II Additional Assistant Sessions Judge, Nagercoil, also submitted his remarks stating that the case had been acquitted and the MC is pending for enquiry.



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5.In the light of the order passed by this Court in ***R.Mohanasri vs the Judicial Magistrate, Manapparai, in Crl.O.P(MD)No.14261 of 2017***, the same yardstick is applied to the facts of the present case, as no purpose will be served by conducting an enquiry in M.C.No.1 of 2024, as the main sessions case had been disposed. Hence, the show cause notice in M.C.No. 1 of 2024 on the file of the learned Second Additional Assistant Sessions Judge, Nagercoil, is quashed.

In the result, the ***Criminal Original Petition*** is allowed.
Consequently, connected Miscellaneous Petition is closed.

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

19.03.2024

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To

The Second Additional Assistant Sessions Judge,
Nagercoil, Kanyakumari District.



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SATHI KUMAR SUKUMARA KURUP, J.

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