



WEB COPY



CrI.O.P.(MD) No.3325 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.3325 of 2024

and

CRL.M.P (MD) Nos.2638 and 2639 of 2024

A.Ravichandran

... Petitioner

Vs

**1.The State represented by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
Crime No.474 of 2008.**

2.K.Subbaraj (Died)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records pertaining to the impugned Charge Sheet in PRC.No.4 of 2022 on the file of the learned Additional District Munsif cum Judicial Magistrate, Manamadurai, Sivagangai District in Crime No.474 of 2008 dt.11.9.2008 U/s.147,336 IPC and Section 3 of TNPPDL Act, on the file of the first Respondent and quash the same as illegal in so far as this petitioner/accused No.1 is concerned.



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For Petitioner : Mr.I.Pinaygash
For R1 : Mr.B.Thanga Aravindh
Government Advocate (CrI. side)

ORDER

The learned Counsel appearing for the Petitioner submitted that as per the prosecution case, the accused is alleged to have thrown a stone on the TNSTC Bus and damaged the wind screen of the bus attracting the provisions of the Tamil Nadu Property (Prevention of Damage and Loss) Act. He further submit that when the PCR is commenced, the accused was not at all identified by the defacto complainant. On that ground, the CrI.O.P(MD)No.19059 of 2019, filed by one of the accused was allowed by this Court as per order dated 08.03.2022. The ratio laid down in that criminal original petition is squarely applicable to the facts of this case as the Petitioner herein is also an accused in the very same crime number.

2.The learned Government Advocate (CrI.Side) vehemently objected to the submission made by the learned Counsel appearing for the Petitioner and submitted that the grounds raised by the Petitioner cannot be considered



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in this Petition, which has been filed under Section 482 Cr.P.C. It is a subject matter to be considered only during trial. Identification of the accused will be done only during trial by the defacto complainant, who is the driver of the bus.

3.Considering the facts and the previous experience, when there is a large turnover to the birthday celebration of a particular political leader, the wind screen of the bus and private vehicle were damaged and inviting the registration of cases. On that particular occasion, in all these cases investigation is completed in a mechanical manner without conducting identification parade. The only intention of the police officers is to prevent the accused from getting bail as the offence alleged is a sessions offence and by moving to the Sessions Court, bail will be granted only after a period of one month or forty five days. Under these circumstances, the intention of the police officers is succeeded. Therefore, after the commemoration of birthday of the political leader, the final report in the cases are mechanically filed thereby, the same cycle is repeated in the very next year. None of the cases registered had ended in conviction. This is also a similar case. Under these circumstances, the objection of the learned Government Advocate



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(Crl.Side) that the subject matter is to be dealt with only during trial is found even though reasonable, cannot be accepted. Considering the past experience in registering cases under Tamil Nadu Property (Prevention of Damage and Loss) Act, particularly, during political or social issues by the political parties and not a single case had ended in conviction, the submission of the learned Counsel for the Petitioner is found justified, instead of forcing the accused to face the ordeal of trial and also a burden on the Court to proceed with the trial.

4. Therefore, this criminal original petition is allowed. Consequently, the connected miscellaneous petitions are closed.

19.03.2024

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

LR



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To

1. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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