



CrI.O.P.(MD)No.5147 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.04.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.5147 of 2024

and

CrI.M.P.(MD)Nos.4039 and 4045 of 2024

Arun Kumar

... Petitioner

Vs.

1.The Inspector of Police
Madurai Railway Police Station,
Madurai District.

2. Rajeswari

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C. No. 1838 of 2023 on the file of the Judicial Magistrate No.VI, Madurai and quash the same as illegal.

For Petitioner

: M/s.W.Pamelin

For R1

: Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner is facing a charge before the learned Judicial Magistrate No.VI, Madurai, in C.C. No. 1838 of 2023 for the offence punishable under Section 393 IPC.



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2. The case of the prosecution is that on 06.05.2023, the petitioner is alleged to have snatched 5 sovereigns of thali chain away from the defacto complainant and caused injuries to her. Hence, a case has been registered.

3. The learned Additional Public Prosecutor appearing for the first respondent, by referring the FIR in Cr.No.62 of 2023, submits that there are specific allegations as against the petitioner.

4. The learned counsel appearing for the petitioner submits that the petitioner is an Army person and he was not available at the time of occurrence. However, he has been added as an accused.

5. Since there is a specific allegation against the petitioner, this Court is not inclined to entertain this petition. The petitioner can establish his innocence before the Trial Court by adducing evidence.

6. The learned counsel for the petitioner submits that the petitioner is an Army person, he is working in Army and it would be difficult for him for every hearing.



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7. The petitioner is at liberty to file a petition under Section 205 Cr.P.C before the trial Court and the trial Court shall consider the same on merits. This criminal original petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

03.04.2024

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

To

1. The Judicial Magistrate No.VI,
Madurai
2. The Inspector of Police
Madurai Railway Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

LS

Order made in
Crl.O.P.(MD)No.5147 of 2024

03.04.2024