



Crl.O.P.(MD)No.15652 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 08.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

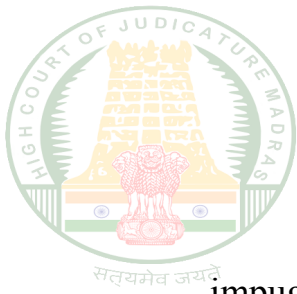
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1. Sankar
 2. Vinoth @ Senthil Kumaran
 3. Anand Kumar
 4. Esakki Pandi
 5. Rengasamy @ Sugirtharaj
 6. Senba @ Senbagam
 7. Viji @ Vijayan
- ... Petitioners

Vs.

1. State represented by the Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(In Crime No.497 of 2013) ... Respondent/Complainant
2. Chidhambaram ... Respondent/Defacto Complainant
3. Muthukumar ... Respondent / Victim

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the



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impugned Charge Sheet in S.C.No.131 of 2019 on the file of the learned Additional District Judge, Tuticorin and Quash the same so far as the petitioners are concerned.

For Petitioners : Mr.K.Navaneetharaja

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor
for R1

: No appearance for R2 and R3

ORDER

This criminal original petition has been filed to quash the proceedings in S.C.No.131 of 2019 on the file of the learned Additional District Judge, Tuticorin, in so far as the petitioners are concerned.

2.The case of the prosecution is that on 03.08.2013, at about 06.00 p.m, the petitioners and other accused are said to have abducted the second respondent/defacto complainant's son namely, Muthukumar/third respondent and demanded a sum of Rs.5,00,000/- as ransom. Thereafter, the defacto complainant gave a complaint to the first respondent. Based on which, the first respondent Police registered a case against them in



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Crime No.497 of 2013 for the offence under Sections 147, 148, 364(A) and 506(ii) of IPC. The first respondent Police after completion of investigation, filed a charge sheet. The same was taken on file in S.C.No. 131 of 2019 by the learned Additional District Judge, Tuticorin. To quash the same, the present petition has been filed.

3. When the matter was taken up for hearing the learned counsel for the petitioners submitted that even though there are some arguable points in this petition, he seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further requested this Court to dispense with the appearance of the petitioners before the trial Court during trial. He also submitted that since this case is pending from 2019 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.

4. The learned Additional Public Prosecutor appearing for the first respondent Police submitted that all the prosecution witnesses have been examined. Hence, he seeks to dismiss the petition.



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5. This Court is inclined to accept the request of the petitioners.

Hence, this petition is disposed of with the following directions:

1. The learned Additional District Judge, Tuticorin, is directed to dispose the case in S.C.No.131 of 2019 within a period of six months from the date of receipt of a copy of this order.
2. The petitioners are directed to raise all the points before the trial Court.
3. The appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.

3.1. The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.

3.2. The petitioners shall not dispute the identity of the witnesses.

3.3. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of



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identification.

3.4. If the petitioners adopt any dilatory tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

08.02.2024

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

To

1. The learned Additional District Judge,
Tuticorin.
2. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

vsg/sbn

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