



CRL OP(MD). No.21866 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 06.09.2024

CORAM

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.21866 of 2022

and

CrI.M.P.(MD)Nos.15409 & 15411 of 2022

Chellathurai

... Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
(In Crime No.336 of 2021)

2.M.Chandrasekar

... Respondents

PRAYER :- This Petition is filed under Section 482 Cr.P.C, to call for the records pertaining to the case registered in impugned charge sheet in C.C.No.578 of 2021 on the file of the Judicial Magistrate No.II, Dindigul, in Crime No.336 of 2021 on the file of the first respondent police and quash the same as illegal.

For Petitioner : Mr.J.Lawarncce

For Respondents : Mrs.M.Aasha
Government Advocate (CrI.Side) for R1



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CRL OP(MD). No.21866 of 2022

ORDER

This Petition is filed to quash the charge sheet in C.C.No.578 of 2021 on the file of the Judicial Magistrate No.II, Dindigul, in Crime No. 336 of 2021 on the file of the first respondent police

2. On a perusal of the final report, it is alleged that the petitioner, who is the driver of the bus, drove the bus rashly and negligently and caused the death of the deceased, who was travelling in the two wheeler.

3. The learned counsel for the petitioner firstly would submit that none of the persons, who were travelling in the bus, were examined as a witness. Secondly, he would submit that the deceased was in an inebriated condition. Therefore, he would submit that this Court should interfere.

4. It can be seen that firstly, merely because the deceased was in an inebriated condition by itself could not exonerate the petitioner. The



CRL OP(MD). No.21866 of 2022

petitioner has to further prove that it is the deceased, who was not in control, on account of the inebriated condition, which has to be factually proved and this Court cannot interfere on the said ground. Secondly, with reference to the argument that nobody from the bus was examined. Two persons, viz. L.W.1 and L.W.2 who are said to have been travelling in the two wheeler and were walking nearby, happened to witness the occurrence. It is for the prosecution to prove the charge in the manner known to law. The petitioner cannot expect the particular witnesses to be examined or otherwise. Even if it is the case that nobody else witnessed the accident, he has to cross examine and discredit the eyewitness. All the questions, which are raised in the petition, are factual in nature and leaving it open for the petitioner to raise all the questions before the trial Court, this Criminal Original Petition stands disposed of.

5. At this juncture, the learned counsel for the petitioner prays that the presence of the petitioner before the trial Court may be dispensed with. Considering the fact that the petitioner is working as a driver in the Transport Corporation, the presence of the petitioner before the trial Court shall stand dispensed with. The petitioner can be represented by a



CRL OP(MD). No.21866 of 2022

counsel on special vakalat for all the hearing, except the hearings which are insisted by the trial Court. Consequently, connected Miscellaneous Petitions are closed.

06.09.2024

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

TO

1. The Judicial Magistrate No.II,
Dindigul.
- 2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CRL OP(MD). No.21866 of 2022

D.BHARATHA CHAKRAVARTHY,J

LS

ORDER
IN
CRL OP(MD) .21866 of 2022

Date : 06.09.2024