



Crl.O.P.(MD)No.21540 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.21540 of 2024

and

Crl.M.P.(MD)Nos.13348 and 13349 of 2024

Ramesh

... Petitioner

Vs.

1.The State

By the Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.231 of 2007)

2.Sakunthala

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of B.N.S.S., to call for the records in S.C.No.129 of 2018 on the file of the Additional District and Sessions Court, Paramakudi and quash the same.

For Petitioners

: Mr.D.Venkatesh

For R1

: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

The petitioner originally was 24th accused in the parent case in S.C.No.42 of 2016. In view of the pendency of the non-bailable warrant



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against the petitioner and some others, the case against them was split up and the case against the petitioner was taken on file as S.C.No129 of 2018, in which the petitioner is the sole accused. Challenging the same, the petitioner has filed this petition.

2.The contention of the petitioner is that in a murder case, 24 accused are facing trial. In the parent case, after a full fledged trial, the trial Court acquitted 21 accused. Now there cannot be any discrimination and the said benefit can be extended to the petitioner. Further, the case against the petitioner is kept pending without any progress for more than six years. Hence, the petitioner has filed this quash petition.

3.The learned Additional Public Prosecutor submitted that the benefit of order of acquittal granted for the co-accused in the parent case in S.C.No.42 of 2016 cannot be extended to the petitioner. Each case has to be considered independently. Now the case against the petitioner is posted for examination of 4 other witnesses. The prosecution is taking all steps to produce the witnesses without delay. Since the occurrence in this case had taken place in the year 2007, now finding all the witnesses is not so much easy. However, the prosecution is taking all measures to complete the trial process.



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4.Considering the submissions made on either side and perusal of the materials placed before this Court, this Court is of the view that though in the mother case 21 accused have been acquitted, that does not mean that no case has been made out against the petitioner herein, who is the sole accused in the split up case in S.C.No.129 of 2018. This case has to be considered independently based on the evidences to be produced before the trial Court.

5.In view of the above, this Court directs the prosecution to produce the witnesses without any delay and the trial Court is directed to complete the process of trial as early as possible preferably within a period of six months from the date of receipt of a copy of this order.

6.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

11.12.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Additional District and Sessions Court,
Paramakudi
- 2.The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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