



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Nineteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

CRL.M.P.(MD)Nos.17369 and 18140 of 2023
in
CRL.A.(MD)Nos.1027 and 1069 of 2023

SELVENTHIRAN ... PETITIONER/PROPOSED 2nd RESPONDENT/P.W.1
in BOTH THE PETITIONS

Vs

1 JEYAPRABHU ... 1st RESPONDENT/APPELLANT/1st ACCUSED
in CRL MP(MD)No.17369 of 2023

1 CHOKKAR ... 1st RESPONDENT/APPELLANT/8th ACCUSED
in CRL MP(MD)No.18140 of 2023

2 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

CRIME NO.147/2020. ... 2nd RESPONDENT/1st RESPONDENT/COMPLAINANT
in BOTH THE PETITIONS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to permit the petitioner to assist the prosecution in CrI.A (MD) No.1027/2023 against S.C No.120/2021 on the file of the learned Additional District Court (FTC), Theni.



PRAYER in CRL A(MD)No.1027 of 2023:

To call for the records and allow this appeal and set aside the judgment, conviction and sentence passed by the Learned Additional District(Fast Track) Court, Theni dated 19.10.2023 in S.C.No.120 of 2021.

Prayer in CRL MP(MD). 18140/ 2023 :

To permit the petitioner to assist the prosecution in Crl A(MD) No.1069/2023 against SC No.120/2021 on the file of the Learned Additional District Court (FTC), Theni

PRAYER in CRL A(MD)No.1069 of 2023:

To call for the records relating to the judgment passed in S.C.No.120 of 2021 dated 19.10.2023 on the file of the learned Additional District and Sessions Judge (FTC), Theni and set aside the same and acquit the Appellant/Accused No.8 from all the charges levelled against him.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MUTHU SARAVANAN.C, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent, the Court made the following order:-

Both the petitions have been filed by the same petitioner who was examined as P.W.1 during trial seeking permission to assist the prosecution during the course of arguing final hearing of criminal appeal. In the affidavits filed in support of those petitions which is practically common in nature, it had been stated that the petitioner herein was the defacto complainant who had been examined as P.W.1 during trial. It had been stated that the deceased is his own brother and that should he be granted permission to assist the prosecution since he was also an eye witness



WEB COPY

to the occurrence. Under these circumstances we would grant the petitioner to assist the prosecution through counsel at the time of hearing the criminal appeal.

2. In view of the same, these applications are allowed.

sd/-

19/09/2024

/True Copy/

/09/2024

Sub Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE ADDITIONAL DISTRICT(FAST TRACK) JUDGE,
THENI
- 2 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL.M.P.(MD)Nos.17369 and 18140 of 2023
in

CRL.A.(MD)Nos.1027 and 1069 of 2023

Date :19/09/2024

SS/JGB/SAR- /23/09/2024/3P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023