



Crl.O.P.No.7582 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.03.2025**

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7582 of 2025

and

Crl.M.P.No.4863 of 2025

Ashok Chand Bansali

... Petitioner

Versus

1.The State rep.by,
Inspector of Police,
CBCID, Tiruppur,
(Crime No.03 of 2015)

2.Mathiyazhagan

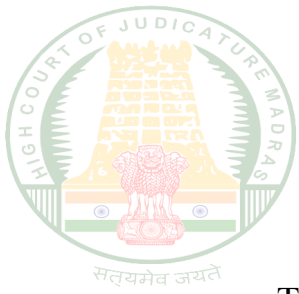
... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the charges framed and questioning before the learned Chief Judicial Magistrate, Tiruppur on 21.02.2025 in C.C.No.679 of 2023 in the interest of justice.

For Petitioner : Mr. MA. Gouthaman

For Respondents : Mr. A. Gopinath, (for R1)
Government Advocate (Criminal Side)

ORDER



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This petition has been filed to set aside the charges framed and questioning before the learned Chief Judicial Magistrate, Tiruppur on 21.02.2025 in C.C.No.679 of 2023

2. The second respondent/defacto complainant lodged a complaint, based on the complaint, the first respondent police registered a case in Crime No.03 of 2015 for the alleged offences under Section 120(B), 466, 468, 471 of the Indian Penal Code, 1860. After investigation, the first respondent filed a final report before the Chief Judicial Magistrate Court, Tiruppur and taken on file in C.C.No.679 of 2023, wherein, the petitioner arrayed as second accused.

3. Learned counsel for the petitioner submitted that despite the First Information Report, statements under Section 164 of Cr.P.C., and the charge sheet being filed in English, the Trial Court framed charges in Tamil language. The petitioner claimed that he does not understand Tamil language and mechanically replied that the charges were explained in English language, which he did not fully comprehend. Hence, the petitioner filed the present petition to quash the charges only under the guise that the petitioner



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had well known Tamil language and Tamil typed charges. Therefore, he prays that framing of charges and questioning by the learned Trial Judge may be set aside.

4.Learned Government Advocate (Criminal side) appearing for the first respondent submitted that though the petitioner hailing from Karnataka, he can speak and understand Tamil language well. Further, he submitted that he had given his confession in Tamil language and after recording his confession statement in Tamil language, he had also signed in the same. Therefore, with an only intention to drag the proceedings of the case, the petitioner has filed the present petition and it is liable to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) appearing for the first respondent and also perused the materials available on record.

6. Upon perusal of the records and considering the submissions made by the learned counsel for the petitioner, this Court is of the view that the petitioner is hailing from the State of Karnataka. However, he is able to speak and understand Tamil language, he could not read or write. Therefore, this



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Court is inclined to set aside the framing of charges in Tamil language alone and the Trial Court is directed to frame charges in English making preliminary questioning under Section 313 of Cr.P.C., within a period of two weeks from the date of receipt of a copy of this order and proceed with the trial.

7. With the above observations the Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

18.03.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

klt

To

- 1.The learned Chief Judicial Magistrate, Tiruppur.
- 2.The State rep.by, Inspector of Police,
CBCID, Tiruppur, (Crime No.03 of 2015)
- 3.The Public Prosecutor, High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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