

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 553-554/2002
(From the judgement and order dated 14/09/2001 in CRLRC 1109/01
of The HIGH COURT OF MADRAS)

MURUGESAN

Petitioner (s)

VERSUS

STATE OF TAMIL NADU

Respondent (s)

(With Office Report)

Date : 18/11/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)

Mr. T.Raja,Adv.

For Respondent (s)

Mr. A.V. Rangan, Ad.
Mrs.Revathy Raghavan, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Heard the learned counsel for the parties.

It is the contention of the learned counsel for the petitioner that the petitioner has been wrongly put behind the bars instead of some other person who is the real accused. It appears that the petitioner raised this contention before the Judicial Magistrate-II, Madurai, but

his contention was not properly considered by the Magistrate. Against that he preferred Criminal R.C. No.1109/2001 before the High Court of Madras. The Madras High Court without considering the said contention dismissed the revision application by holding that "there appears to be doubt raised by the petitioner that he is not the person who was originally arrested and released on bail. However, at this length of time it may not be easy for the court to

decide as to whether he is the person concerned or not and the stage is too premature."

In our view, this reasoning recorded by the High Court cannot be justified. The question as to whether the petitioner was real accused or not is required to be decided as early as possible. Hence the trial court is directed to decide this issue after recording proper evidence to establish the identity of the real accused involved in the case, within a period of one month from the date of receipt of a copy of the order of this Court. These petitions stand disposed of accordingly.

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(A.S. Bisht)
Court Master

(Janki Bhatia)
Court Master