

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.No.5381 of 2018
and
Crl.M.P.Nos.2644 and 2645 of 2018

G.Ravichandran ... Petitioner / 1st Accused

Vs.

1.State Represented by,
The Inspector of Police,
CCIW CID, Salem,
Salem District. ... 1st Respondent / Complainant

2.The Deputy Registrar,
Housing Board,
Salem Region,
Salem-4. ... 2nd Respondent / De-facto/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C.No.227 of 2009 pending on the file of the learned Judicial Magistrate No.1, Salem and quash the same in so far as the petitioner is concerned.

For Petitioner: Mr.N.Umapathi
For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.227 of 2009, pending on the file of the learned Judicial Magistrate No.1, Salem.

2.The learned counsel for the petitioner has raised several issues before this Court. All the issues raised by the learned counsel for the petitioner are factual in nature and the same can be raised only before the Court below in the course of the proceedings. Liberty is given to the petitioner to raise all the issues before the Court below, the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings since the Calender Case is of the year 2009.

3.This Criminal Original Petition is disposed of with a direction to the Court below to dispose of C.C.No.227 of 2009, pending on the file of the learned Judicial Magistrate No.1, Salem within a period of three months from the date of receipt of a copy of this order and report compliance before this Court after completion of the proceedings. Consequently, Crl.M.P.Nos.2644 and 2645 of 2018 are closed.

4.The learned counsel for the petitioner would submit that the personal appearance of the petitioner may be dispensed with since he has been appearing before the lower Court for the last nine years, without any progress in this case. The personal appearance of the petitioner is dispensed with and the petitioner shall be represented by a counsel. The petitioner should appear before the Court below at the time of framing of charges, questioning under Section 313 of Cr.P.C. and at the time of judgment.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsg1/ia
To

1.The learned Judicial Magistrate No.1,
Salem.

2.The Inspector of Police,
CCIW CID, Salem,
Salem District.

3.The Public Prosecutor,
High Court,
Madras.

4.The Deputy Registrar, Housing Board,
Salem Region, Salem-4.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.80643

Cr1.O.P.No.5381 of 2018
and
Cr1.M.P.Nos.2644 and 2645 of 2018

CA(CO)
GSP(17/12/2018)