

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM:

THE HON'BLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.27897 of 2018

and

Crl.M.P.Nos.16164 & 16166 of 2018

1.Ravindran

2.Anandraj

3.Sathish @ Nijanthan

4.Vijayakumar

5.Vinod

... Petitioners

vs.

1.State rep. by Inspector of Police,
Vadaponparappi Police Station,
Villupuram.

2.Ramakrishnan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records and quash the charge sheet in C.C.No.88 of 2016 pending before JMM No.1 Court at Kallakuruchi on the file of respondent -1 police registered against the petitioners.

For Petitioner : Mr.L.Infant Dinesh

For Respondent 1 : Mr.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.88 of 2016, pending on the file of the learned Judicial Magistrate No.1, Kallakuruchi.

2. The learned counsel for the petitioner would submit that even as per the allegations made in the final report, no offence has been made out against the petitioners under Section 506 (i) of Indian Penal Code. The learned counsel also submitted that the trial has commenced in this case.

3. In view of the fact that the trial has already commenced in this case, this Court is not inclined to entertain this

Criminal Original Petition. It is left open to the petitioners to raise all the grounds before the Court below and the Court below will consider the same on its own merits and in accordance with law.

4. The learned counsel for the petitioner would submit that the presence of the first petitioner may be dispensed with before the Court below. The presence of the first petitioner is dispensed with and he shall be represented by a counsel. The first petitioner shall be present before the Court at the time of questioning under 313 of Cr.P.C. and at the time of passing of the Judgment and the learned counsel representing the first petitioner shall cross-examine the witnesses on the same day they are examined in chief and the first petitioner shall not question the identity of any witnesses.

5. This Criminal Original Petition stands disposed of with a direction to the Court below to complete the proceedings within a period of three months from the date of receipt of a copy of this order and submit a compliance report before this Court after the completion of the proceedings. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nmm/dss

To

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

2.The Inspector of Police,
Vadaponparappi Police Station,
Villupuram.

3.The Public Prosecutor,
Madras High Court, Chennai.

Cr1.O.P.No.27897 of 2018
and

Cr1.M.P.Nos.16164 & 16166 of 2018

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nr 24/12/2018