



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD) No.11228 of 2017

A.Sajan Ajustin

... Petitioner

Vs.

N.David Einstin

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in S.T.C.No.103 of 2016 on the file of the Judicial Magistrate No.II, Nagercoil, and to quash the same.

For Petitioner : Mr.S.C.Herold Singh

ORDER

This criminal original petition has been filed to quash the proceedings in S.T.C.No.103 of 2016 on the file of the Judicial Magistrate No.II, Nagercoil.

2.The learned counsel for the petitioner has raised several grounds in order to justify the quashing of the proceedings insofar as this petitioner is concerned.

3.This Court is of the considered view that the grounds raised by the petitioner are factual in nature and the same shall be raised only before the Court below in the course of proceedings and the Court below shall 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 petitioner shall be dispensed with. The presence of the petitioner is dispensed with before the Court below and the petitioner shall be represented by a counsel. The petitioner shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of judgment.

5.The Court below is directed to complete the proceedings in S.T.C.No.103 of 2016 within a period of three months from the date of receipt of copy of this order and report compliance before this Court after completion of the proceedings.



6.This criminal original petition is disposed of with the above direction.

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Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Judicial Magistrate No.II,
Nagercoil.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.C.Herold Singh, Advocate, SR.No.92433

mm
SS/SKN/SAR 3/29.11.2018/2P/4C

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