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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.11687 of 2017
and
CrI.M.P.(MD) Nos.8043 and 8044 of 2017

Nagarajan ... Petitioner
Vs.

Kaviseelan ... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the S.T.C.No.25 of 2016 on the file of the Judicial Magistrate Court, Uthamapalayam and quash the same.

For Petitioner : Mr.M.Maharaja
For Respondent : No appearance

ORDER

This criminal original petition has been filed to quash the proceedings in S.T.C.No.25 of 2016 on the file of the learned Judicial Magistrate, Uthamapalayam.

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 petitioner is aged about more than 42 years and therefore, the learned counsel for the petitioner would submit that the presence of the petitioner shall be dispensed with. Therefore, 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 a judgment.

5.The Court below is directed to complete the proceedings in S.T.C.No.25 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. Consequently, the connected miscellaneous petitions are dismissed.

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/True Copy/

Sd/-
Assistant Registrar(CO)

Sub Assistant Registrar(CS-i)

To

- 1.The Judicial Magistrate,
Uthamapalayam.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.11687 of 2017
26.10.2018

MM
ES/BK/SAR 1/12.12.2018/2P/3C