



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.16651 of 2018

and

Crl.M.P.(MD).Nos.7383 & 7384 of 2018

Gangatharan

...Petitioner/Accused

Vs.

Selvam

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records pertaining in S.T.C.No.246 of 2018, on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same.

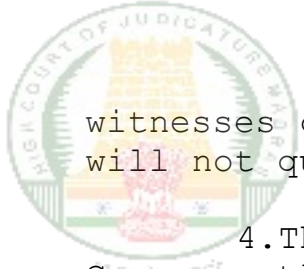
For Petitioner: Mr.S.MP.Amalan

O R D E R

This Criminal Original Petition has been filed for seeking to quash the proceedings in S.T.C.No.246 of 2018, on the file of the learned Judicial Magistrate No.1, Tirunelveli.

2.The petitioner is an accused in 138 case. The learned counsel appearing for the petitioner has raised several grounds, to quash the proceedings before the Court below. All the grounds raised by the learned counsel appearing for the petitioner are factual in nature and this Court cannot go into those facts while exercising its jurisdiction under Section 482 Cr.P.C. It is open to the petitioner to raise all these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

3.At this stage, the learned counsel appearing for the petitioner made a request to this Court to dispense with the appearance of the petitioner. Accepting his request, the presence of the petitioner is dispensed with before the Court below. He shall be represented by an Advocate. The petitioner shall appear before the Court at the time of 313 questioning and at the time of pronouncing judgment. The petitioner shall give an undertaking and affidavit before the Court below to the effect that he will be represented by his counsel and the counsel will cross-examine the



witnesses on the day they are examined in chief and the petitioner will not question the identity of any of the witnesses.

4.This Criminal Original Petition is dismissed accordingly. Consequently, the connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS-I)

To

1.The Judicial Magistrate No.I, Tirunelveli.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR.M.S.JEYAKARTHIK, ADVOCATE IN SR NO.88583

TSG

BU/RP/SAR-1 :01.11.2018 : 2P/4C

Cr1.O.P. (MD) .No.16651 of 2018
03.10.2018