

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1874 of 2019
and
Crl.M.P.No. 1157 of 2019

N.Subash

... Petitioner

Vs.

1.The State rep. by
The Inspector of police,
Central Crime Branch,
Tiruppur.

2.K.P.Jayakumar,
Regional Transport Officer (N),
Tiruppur.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of the Criminal Procedure Code, to call for the records on the file of the Judicial Magistrate No.III, Tiruppur and quash the proceedings in C.C.No.1022 of 2017.

For Petitioner : Mr.V.V.Sairam

For Respondent 1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.1022 of 2017, pending on the file of the learned Judicial Magistrate No.III, Tiruppur.

2. A final report has been filed for an offence under Sections 420, 468 and 471 of Indian Penal Code, 1860 and Sections 66, 177 and 192 (A) of Motor Vehicles Act, 1988.

3. It is seen from records that this petitioner was a permit holder for plying his mini bus and the case of the prosecution is that the petitioner has violated and plied the bus in unauthorized routes and made false entires in the relevant documents.

3. There are prima facie materials as against this petitioner and it is for this petitioner to explain the change in routes and the entires made in the relevant documents, since it is within the knowledge of the petitioner. This Court does not want to interfere with the proceedings at this stage. It is left open to the petitioner to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

4. The learned counsel for the petitioner submitted that the presence of the petitioner can be dispensed with before the Court below. Taking into consideration the facts and circumstances of the case, the presence of the petitioner shall be dispensed with before the Court below and he shall be represented by a counsel. The petitioner shall be present before the Court below at the time of framing charges, at the time of questioning under Section 313 of Criminal Original Petition and at the time of passing of the Judgment and the learned counsel representing the petitioner shall cross-examine the witnesses on the same day they are examined in chief. The Court below is directed to complete the proceedings within a period of four months from the date receipt of a copy of this order.

5. Accordingly, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

nmm/dss
To

1. The Judicial Magistrate No.III, Tiruppur.

2. The Inspector of police,
Central Crime Branch, Tiruppur.

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

+1 cc to Mr.V.V.Sairam, Advocate, S.R.No.6990

Cr1.O.P.No.1874 of 2019
and
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SSM(18/02/2019)