

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.08.2019

CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.2809 of 2019

Saravana Kumar

...Petitioner/Accused 3

vs.

1.State rep by Inspector of Police,
H-8, Thiruvottriyur Police Station,
Chennai.

(PRC.No.30 of 2017) ...1st Respondent/Complainant

2.S.Geetha

...2nd Respondent/ Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records of the entire proceedings PRC.No.30 of 2017, on the file of the Judicial Magistrate, Thiruvottriyur and quash the same.

For Petitioner : Mr.M.Guruprasad for
M/s.K.Thenrajan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1
Mr.N.Santhosh for R2

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner for an offence under Sections 341, 294(b), 336, 427, 302 and 506(ii) of IPC.

2. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. 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. This Court does not want to interfere with the proceedings at this stage.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of framing of charges, questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. The Judicial Magistrate, Thiruvottriyur, is directed to commit the case in PRC.No.30 of 2017, within a period of two weeks from the date of receipt of copy of this order to the concerned Sessions Court. The Sessions Court, shall thereafter, conclude the proceedings within a period of three months thereafter.

5. This Criminal Original Petition is disposed of with the directions.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate,
Thiruvottriyur.

2.The Inspector of Police,
H-8, Thiruvottriyur Police Station,
Chennai.

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

Cr1.O.P No.2809 of 2019

SJ(CO)

RRS (06/08/2019)

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