

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.410 of 2016
and
CrI.M.P.No.168 of 2016

Mohanakrishnan

... Petitioner

vs.

1.State rep by Inspector of Police,
District Crime Branch,
Kancheepuram.
(Crime No.63 of 2009)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records relating to the case in C.C.No.71 of 2015 on the file of Judicial Magistrate No.II, Kancheepuram and quash the same as against the petitioner/accused-2 in the case.

For Petitioner : M/s.M.V.Balakrishnan

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

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner for an offence under Sections 420 r/w 109 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 questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.71 of 2015 on the file of Judicial Magistrate No.II, Kancheepuram, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.II, Kancheepuram.

2.The Inspector of Police,
District Crime Branch,
Kancheepuram.
(Crime No.63 of 2009)

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

+1cc to Mr. M.V.Balakrishnan, Advocate, S.R.No. 56729

Cr1.O.P No.410 of 2016

PM(CO)
GN(14/08/2019)