

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16700 of 2019
and
Crl.M.P.Nos.8402 and 8403 of 2019

1. Krishnamoorthy
2. Kalaivanan
3. Sakthi @Sakthivel
4. Raja
5. Subesh @Subash ...Petitioners

.Vs.

1. State represented by its
Yercaud Police Station, Salem District,
Crime No.52 of 2016.

2. R. Ashok Kumar ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in S.C.No.279 of 2017 pending on the file of the Sessions Judge, Mahila Court, Salem and set aside the charges framed against the petitioners.

For petitioners : Mr.S.Panneerselvam

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

ORDER

This Criminal Original Petition has been filed challenging the proceedings initiated by the 1st respondent against the petitioners for an offence under Sections 120B,147,148,342,364A,323,324,384,379,452 &506(ii) of IPC.

2. The various grounds raised by the learned counsel for the petitioners is 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 petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and he shall be represented by a counsel, who shall cross examine the witnesses on the same day, he is examined in Chief. The petitioners 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 judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.279 of 2017, on the file of the Sessions Judge, Mahila Court, Salem within a period of four months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions is closed.

smn

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Sessions Judge, Mahila Court,
Salem

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

3. The Inspector of Police,
Yercaud Police Station,
Salem District,

Crl.O.P.No.16700 of 2019
and
Crl.M.P.Nos.8402 and
8403 of 2019

Kak(16/09/2019)