

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.15773 of 2019

and

Crl.M.P.Nos.7888 & 7889 of 2019

R.Gunasekaran

...Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by the Inspector of Police,
Kaanai Police Station,
Villupuram District.

2. Ramalingam ...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the final report made in C.C.No.39 of 2015 pending on the file of the Judicial Magistrate Court No.1, Villupuram.

For Petitioner : Mr.N. Naganathan

For Respondent : Mr. Mohamed Riyaz
for R1.

ORDER

This Criminal Original Petition has been filed challenging the final report filed by the respondent Police against the petitioner for the offence under Sections 279, 337 and 304(A) of IPC.

2.The grounds raised by the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3.The learned counsel for the petitioner requested the presence of the petitioner to be dispensed with before the Court below. Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with. The petitioner shall be represented by a counsel. The petitioner shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C and at the time of passing of the final judgment. The counsel representing the petitioner shall cross-examine the witnesses on the same day when they are examined in-chief and the petitioner shall not dispute the identity to any witness.

4.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.39 of 2015, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

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To

1.The Judicial Magistrate Court No.1,
Villupuram.

2. The Inspector of Police,
Kaanai Police Station,
Villupuram District.

3.The Public Prosecutor
High Court, Madras 104.

WEB COPY

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and

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VSNII (CO)
SP(18/07/2019)