

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1408 of 2014
and
Crl.M.P.Nos.1 & 2 of 2014

A.Rajasekaran

... Petitioner

Vs.

1.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

2.The Inspector of Police,
District Crime Branch,
Dharmapuri District,
Dharmapuri.

3.K.P.Mani

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records pertaining to C.C.No.245 of 2013 pending on the file of the Judicial Magistrate No.II, Dharmapuri and quash the same as illegal, incompetent and ultravires by allowing the present criminal original petition.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.M.Mohamed Riyaz (for R1 & R2)
Additional Public Prosecutor

ORDER

This Petition has been filed seeking to quash the proceedings in C.C.No.245 of 2013, on the file of the learned Judicial Magistrate No.II, Dharmapuri.

2.It is brought to the notice of this Court that the charges have already been framed and the case is now at the stage of trial. Even though the learned counsel for the petitioner had raised various grounds, this Court is not inclined to interfere with the proceedings at this stage and it is open to the

petitioner to raise all these grounds before the Court below and the same shall be considered on its own merits and in accordance with law.

3.The learned counsel for the petitioner submitted that the petitioner suffers from serious physical ailments, therefore his presence is dispensed with before the Court below.

4.Taking into consideration of the facts and circumstances of the case, the presence of the petitioner is dispensed with and he 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 pronouncement of the final judgment. The learned counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in chief and the petitioner shall not dispute the identity of the witnesses.

5.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.245 of 2013, on the file of the learned Judicial Magistrate No.II, Dharmapuri, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Judicial Magistrate No.II,
Dharmapuri.

2.The Superintendent of Police,
Dharmapuri District,
Dharmapuri.

3.The Inspector of Police,
District Crime Branch,
Dharmapuri District,
Dharmapuri.

4.The Public Prosecutor,
Madras High Court.

+lcc to Mr.R.Jayaprakash, Advocate Sr.52927

Crl.O.P.No.1408 of 2014
and
Crl.M.P.Nos.1 & 2 of 2014

svi[co]
srg 19/07/2019



WEB COPY