

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.16757 of 2019
and
Crl.M.P Nos.8422 and 8423 of 2019

Mannangatti

...Petitioner

Vs.

1. Sub Inspector of Police,
Bahoor, Puducherry-607 402.

2. Assistant Engineer,
Bahoor Commune Panchayat
Bahoor,
Puducherry-607 402

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash all the proceedings filed against the petitioner herein in C.C.No.886 of 2019 on the file of the Judicial Magistrate No.IV, Puducherry pending disposal of the Criminal Original Petition.

For Petitioner : Mr. Rajagopal.D

For Respondents : Mr.D.Barathachakravathy
Public Prosecutor, Puducherry

ORDER

This petition has been filed challenging the proceedings initiated by the 1st respondent against the petitioner under Section 447 of IPC r/w Section 3 of Prevention of Damage to Public Property Act, 1984.

2. The grounds raised by the counsel for 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 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 judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C No.886 of 2019 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

uma

To

1. The Judicial Magistrate No.IV,
Puducherry.
2. The Sub Inspector of Police,
Bahoor, Puducherry-607 402.
3. Assistant Engineer,
Bahoor Commune Panchayat
Bahoor,
Puducherry-607 402

4. The Public Prosecutor,
Puducherry.

+1cc to Mr. Rajagopal.D, Advocate sr.54426

CRL.OP.No.16757 of 2019
and
Crl.M.P.Nos.8422 and 8423 of 2019

vd(co)
nr 25/07/2019