

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.16840 of 2019
and Crl.M.P No.8479 of 2019

Sathaiyan

...Petitioner

Vs.

1. State of Tamiladu
Rep. by the Sub-Inspector of Police,
Nagoor Police Station,
Nagoor, Nagapattinam District.

2. V.Shanthi

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to S.C.No.15 of 2015 on the file of the District and Sessions Judge, Nagapattinam, and quash the same as against the petitioner.

For Petitioner : Mr.S.Giridharan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 294(b), 323, 324, 506(ii) and 307 of IPC.

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 judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.15 of 2015 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The District and Sessions Judge, Nagapattinam
2. The Sub-Inspector of Police,
Nagoor Police Station,
Nagoor, Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Giridharan, Advocate sr.53821

CRL.OP.No.16840 of 2019
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nr 20/08/2019

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