

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.18197 of 2019
and CrI.MP No.9238 of 2019

N.Murugan

... Petitioner/
1st Accused

vs.

1. Inspector of Police,
Central Crime Branch,
Chennai

..1st Respondent /
Complainant

2. S.Thanigaivel

..2nd Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.270 of 2019, pending on the file of the learned Judicial Magistrate, Alandur, Chennai and to quash the same.

For Petitioner : Mr.R.Subburaj

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

ORDER

This petition has been filed to call for the records in C.C.No.270 of 2014, pending on the file of the Judicial Magistrate, Alandur, Chennai and to quash the same.

2. The various grounds raised by the learned counsel for the petitioners are 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 petitioner 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 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. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.270 of 2019, on the file of the learned Judicial Magistrate, Alandur, within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

rka

To

1. Inspector of Police,
Central Crime Branch,
Chennai.

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

+1 cc to M/s.R.Muniyapparaj, Advocate, S.R.No.64441

+1 cc to M/s.R.Subburaj, Advocate, S.R.No.64987

CrI.O.P.No.18197 of 2019

RR(CO)
SSM(05/09/2019)

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