

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.18798 of 2019

and

CrI.MP.Nos.9571 & 9573 of 2019

Natarajan

...Petitioner

-Vs-

1.State rep.by

The Inspector of Police,
Erode Town Police Station,
Erode District.
(Cr.No.1267 of 2006)

2.Sivagurunathan

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to C.C.No.250 of 2009, on the file of Judicial Magistrate No.II, Erode and quash the same.

For Petitioner : Mr.C.S.Saravanan

For R 1 : Mr.M.Mohamed Riyaz, APP

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner for an offence under Section 420 of IPC.

2. The grounds raised by the learned counsel for the petitioner 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. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.250 of 2009, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Joint Registrar (Judicial)

//True Copy//

Sub Assistant Registrar

KP

To

1. The Judicial Magistrate No.II,
Erode.
2. The Inspector of Police,
Erode Town Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.C.S.Saravanan, Advocate, S.R.No.60285

CP(CO)
SSM(30/07/2019).

CrI.O.P.No.18798 of 2019

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