

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.07.2019
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl.O.P No.17398 of 2019
and
Crl.M.P Nos.8771 and 8772 of 2019

Prasad Sivadas

... Petitioner

vs.

1.The State Represented by
The Inspector of Police,
Traffic Investigation Wing,
J-3, Guindy Police Station,
Chennai-600 032.
(Ref Crime No:734/2017 dated 16.11.2017)

2.P.Silambarasan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the proceedings in C.C.No.532/2018 on the file of the Judicial Magistrate, Alandur for offences under Sections 279, 304(A) IPC and 134(a), 134(b), 181 of the Motor Vehicles Act 1988.

For Petitioner : Mr.N.R.Elango, Senior Counsel
for Mr.C.Arun Kumar

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

ORDER

This petition has been filed to call for the records and quash the proceedings in C.C.No.532/2018 on the file of the Judicial Magistrate, Alandur for offences under Sections 279, 304(A) IPC and 134(a), 134(b), 181 of the Motor Vehicles Act 1988.

2. The various 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 his 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.532 of 2018, on the file of the Judicial Magistrate, Alandur, 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

//True Copy//

Sub Assistant Registrar

vs/jas

To

1.The Inspector of Police,
Traffic Investigation Wing,
J-3, Guindy Police Station,
Chennai-600 032.

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

Crl.O.P No.17398 of 2019
and

Crl.M.P Nos.8771 and 8772 of 2019

ks(co)
nr 29/07/2019