

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.17561 of 2019
and CrI.M.P No.8876 and 8877 of 2019

Jayaveeran

...Petitioner

vs.

1. The State Rep by
Inspector of Police,
Central Crime Branch,
Team No.1, Chennai Sub Urban Police,
St. Thomas Mount, Chennai 600 016.

2. Tmt. Sailaja Sampath

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pertaining to C.C.No.315 of 2012 pending on the file of learned Judicial Magistrate No.1, Poonamalee and quash the same.

For petitioner : Mr.R. Naveen Kumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the proceedings initiated by the respondent against the petitioner for an offence under Sections 406 and 420 of I.P.C.

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 are dispensed with and they 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. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.315 of 2015, on the file of the Judicial Magistrate No-I, Poonamallee within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

smn

To

1. The Judicial Magistrate No-I,
Poonamallee
2. The Inspector of Police, Central Crime Branch,
Team No.1, Chennai Sub Urban Police,
St. Thomas Mount, Chennai 600 016.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1 cc to Mr.A.Rajesh Kanna, Advocate, S.R.No.56413

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and

CrI.M.P No.8876 and 8877 of 2019

MP(CO)
SSM(14/08/2019)