

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18387 of 2019
and
Crl.M.P.Nos.9317 & 9319 of 2019

R.Suresh Babu ...Petitioner/Accused 2

-Vs-

1. The State represented by
Inspector of Police,
B-11, Saibaba Colony Police Station,
Coimbatore.

2. Rajeswari ...Respondents

Prayer: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to call for the records of the case in C.C.No.656 of 2013 pending on the file of the Learned Judicial Magistrate No.VII, Coimbatore and quash the same insofar as the petitioner is concerned.

For Petitioner : Ms.V.Geetha Rani
for Mr.N.Thiaygarajan
Senior Advocate

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

ORDER

This petition has been filed challenging the proceedings in C.C.No.656 of 2013, initiated by the respondents against the petitioner under Sections 75(1)(c) of TNCP Act as well as under Sections 323, 324 and 354 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 dismissed and the Court below is directed to complete the proceedings in C.C.No.656 of 2013 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.7,
Coimbatore District.

2. do Thro The Chief Judicial Magistrate,
Coimbatore District.

3. The Inspector of Police,
B-11, Saibaba Colony Police Station,
Coimbatore.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Ms.V.Geetha Rani, Advocate sr.59081

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and

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nr 22/08/2019