

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.19648 of 2019
and Crl.M.P.Nos.10052 & 10053 of 2019

S.Shalini

... Petitioner

Vs.

G.Ganesh

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records culminated in C.C.No.1342 of 2015 on the file of Fast Track Court IV Magistrate at George Town, and quash the same.

For Petitioner : Mr.R.Prabhakaran

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.1342 of 2015, pending on the file of the learned Judicial Magistrate (Fast Track Court IV), George Town, Chennai and quash the same.

2. The various grounds raised by the learned counsel for the petitioner is 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 she 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.1342 of 2015, on the file of the learned Judicial Magistrate (Fast Track Court IV), George Town, Chennai, 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 V)

//True Copy//

Sub Assistant Registrar

msrm/rka

To

The learned Judicial Magistrate (Fast Track Court IV)
George Town,
Chennai.

+1cc to Mr.R.Prabhakaran, Advocate Sr.63155

Cr1.O.P No.19648 of 2019

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srg 06/09/2019

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