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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.19488 of 2019

and

CrI.M.P No.9979 and 9981 of 2019

1.Seenuvasan

2.Veerasamy

3.Kumaresan

...Petitioners/Accused 1 to 3

Vs.

1. State Rep. By

The Sub Inspector of Police

Thiruvannamalai Town Police Station,

Thiruvannamalai District.

Crime No.928 of 2018

2. Baskaran

...Respondents/Complainant

Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.260 of 2018 pending on the file of the Judicial Magistrate No.I, Thiruvannamalai District and quash the charge sheet.

For Petitioner : Mr. Balakrishnan.R

For 1st Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 294(b), 323, 324, 506(ii) of IPC @ 294(b), 323, 324, 506(ii) and 448 of IPC.

2. The grounds raised by the counsel for the petitioners 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 petitioners to raise all the grounds before the Court and



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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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners 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 petitioners shall not dispute the identification of the witnesses. The petitioners 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 disposed of with a direction to the Court below to complete the proceedings in C.C No.260 of 2018 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Thiruvannamalai District

2. Do thro the Chief Judicial Magistrate, Thiruvannamalai

3. The Sub Inspector of Police
Thiruvannamalai Town Police Station,
Thiruvannamalai District.

4. The Public Prosecutor
High Court of Madras.

+lcc to Mr.R.Balakrishnan , Advocate SR.No. 63114

CRL.OP.No.19488 of 2019
and

CrI.M.P.No.9979 and 9981 of 2019

A.SK(22/08/2019)