

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.21737 of 2019
and Crl.M.P.Nos.11287 & 11288 of 2019

Jayakar A Henry @ Jayakar ...Petitioner / Accused

vs.

S.Tamilzharasi ... Respondent /Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.269 of 2018, pending on the file of the learned Judicial Magistrate, Fast Track Court, Alandur, Chengalpattu District and quash the same.

For Petitioners : Mr.S.Sarath Chandran

ORDER

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This petition has been filed to call for the records in C.C.No.271 of 2018, pending on the file of the learned Judicial Magistrate, Fast Track Court, Alandur, Chengalpattu District and quash the same.

petitioners 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 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 judgement.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.271 of 2018, on the file of the Judicial Magistrate, Fast Track Court, Alandur, Chengalpattu District,

within a period of three months from the date of receipt of copy of this

order. Consequently, connected miscellaneous petitions are closed.

13.08.2019

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
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To

1. The Judicial Magistrate,
Fast Track Court, Alandur, Chengalpattu District
2. The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH, J.,

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