

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.19385 of 2019
and CrI.M.P.Nos.9904 & 9906 of 2019

B.Vanitha

... Petitioner

vs.

Vicky Credits
Represented by its Partner
R.Jayaprakash, Male, Age 42 years,
Son of R.M.Ramasamy,
Valai Thottam,
Sivagiri (Via),
Erode District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to S.T.C.No.223 of 2019 on the file of the Judicial Magistrate Fast Track Court No.1, Erode and to quash the same in so far as the petitioner is concerned by allowing this Criminal Original Petition.

For Petitioner : Mr.C.E.Pratap

ORDER

This Criminal Original Petition has been filed to call for the entire records in S.T.C.No.223 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode 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 S.T.C.No.223 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Erode, within a period of six 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 No.I)
Erode.

+lcc to Mr.C.E.Pratap, Advocate Sr.62807

सत्यमेव जयते

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