

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.20163 of 2019

and

Cr1.M.P.Nos.10333 & 10334 of 2019

Manikandan

...Petitioner/Sole Accused

Vs.

1.State represented by
Sub-Inspector of Police
Mangalamadu Police Station
Perambalur District.
(Crime No. 145/2018)

2.Kumar

...Respondents/Complainant/Defacto Complainant

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.25 of 2019 on the file of Judicial Magistrate, Perambalur and quash the same.

For Petitioner : Mr.K.Rajan

For Respondents: Mr.M.Mohamed Riyaz

Addl. Public Prosecutor for R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 294(b), 324 and 506(ii) 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 disposed of with a direction to the Court below to complete the proceedings in C.C No.25 of 2019 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate
Perambalur.
2. The Sub-Inspector of Police
Mangalamadu Police Station
Perambalur District.
3. The Public Prosecutor
High Court of Madras

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and
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NRJK(CO)
SP(29/08/2019)