

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.21153 of 2019
and
Crl.M.P.Nos.10919 & 10920 of 2019

Daranibabu

... Petitioner

-vs-

1.State Represented By,
Inspector of Police,
C-3, Seven Hills Police Station,
(Law and Order), Chennai 600 001.

2.Baskar

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for records relating to the Final report dated 07.03.2018 in C.C.No.632 of 2018 on the file of VIII Metropolitan Magistrate, at George Town, Chennai, and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.J.Ravikumar

For Respondents : Mr.M.Mohamed Riyaz (for R1)
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for records relating to the Final report dated 07.03.2018 in C.C.No.632 of 2018 on the file of VIII Metropolitan Magistrate, at George Town, Chennai, and quash the same in so far as the petitioner is concerned.

2.The various grounds raised by the learned counsel for the petitioner 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 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.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.632 of 2018, on the file of the VIII Metropolitan Magistrate, George Town, Chennai, within a period of four months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vs

To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. - do - through The Chief Metropolitan Magistrate, Chennai.
3. The Inspector of Police,
C-3, Seven Hills Police Station,
(Law and Order), Chennai 600 001.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.21153 of 2019

and

CrI.M.P.Nos.10919 & 10920 of 2019

BP(CO)
SSM(19/09/2019)

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