

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.20901 of 2019
and
Crl.M.P.Nos.10780 & 10781 of 2019

N.Rethinam ... Petitioner/2nd Accused

-vs-

- 1.The State
Rep. by Inspector of Police,
District Crime Branch,
Tiruvarur. ...R1/Complainant
- 2.The Branch Manager,
Oriental Insurance Company Limited,
Thanjavur. ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to C.C.No.29/2007 on the file of Judicial Magistrate, Tiruvarur and quash the same.

For Petitioner : Mr.S.Sounthar

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

ORDER

This Criminal Original Petition has been filed to call for the records relating to C.C.No.29 of 2007 on the file of Judicial Magistrate, Tiruvarur and quash the same.

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 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.29 of 2007, on the file of the Judicial Magistrate, Tiruvarur, within a period of two 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

vs/jas

To

1.The Judicial Magistrate,
Tiruvarur.

2.The Inspector of Police,
District Crime Branch, Tiruvarur.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Sounthar, Advocate SR.No.66957

RV(CO)
GMY(29/08/2019)

CRL.O.P.No.20901 of 2019