

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.21472 of 2019
and
Crl.M.P.Nos.11091 & 11093 of 2019

1V.Vinoth
2.V.Sarala
3.A.Velayutham

... Petitioners

-vs-

1.The State represented by
Assistant Commissioner of police,
K-4, Anna Nagar Police Station,
Chennai District
(Crime No.1328/2017)

2.M.Ranganayaki ... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in P.R.C.No.130 of 2019 on the file of the learned V Metropolitan Magistrate at Egmore, Chennai and quash the same.

For Petitioners : Mr.M.Ravikumar

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

ORDER

This Criminal Original Petition has been filed to call for the records in P.R.C.No.130 of 2019 on the file of the learned V Metropolitan Magistrate at Egmore, Chennai and quash the same.

2.The various grounds raised by the learned counsel for the 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 petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the second and third petitioners 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 second and third petitioners shall be present before the Court below at the time of framing of charges, at the time of questioning under Section 313 Cr.P.C. and at the time of passing of the final judgment. The petitioners shall not question the identity of the witnesses.

4.The learned V Metropolitan Magistrate at Egmore, Chennai, is directed to commit the proceedings in P.R.C.No.130 of 2019 within a period of four weeks from the date of receipt of a copy of this order and the concerned Sessions Court shall complete the proceedings within a period of six months thereafter.

5.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Assistant Commissioner of police,
K-4, Anna Nagar Police Station, Chennai District.
- 3.The Public Prosecutor, High Court, Madras.

AKM/16.09.19/2P-4C /

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