

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.20928 of 2019

and

CrI.M.P.No.10789 of 2019

1.A.Rajan

2.R.Fredrick Rajan

... Petitioners

-Vs-

1.State Rep by
Inspector of Police,
District Crime Branch,
Nagapattinam,
Nagapattinam District.

2.Aravamuthan

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records of charge sheet C.C.No.64/2018 on the file of Judicial Magistrate-I of Nagapattinam and pass order quashing the same as far as the petitioners concerned.

For Petitioners : Mr.Y.Arul Manickam

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

ORDER

This Criminal Original Petition has been filed to call for the records of charge sheet C.C.No.64 of 2018 on the file of Judicial Magistrate-I, Nagapattinam and pass order quashing the same as far as the petitioners concerned.

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 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 petitioners 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.64 of 2018, on the file of the Judicial Magistrate-I, Nagapattinam, within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed.

vs/jas

Sd/-

Assistant Registrar(C.O.)

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate-I,
Nagapattinam.

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

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Y.Arul Manickam, Advocate, SR.No.66803

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Kak(22/09/2019)