

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.21377 of 2019
and
Crl.M.P.Nos.11059 & 11061 of 2019

1.N.Ramasamy
2.S.Saravanan
3.M.Vijayakumar
4.M.Rajendrakumar Petitioners

-vs-

1.The State represented by
The Inspector of police,
City Crime Branch,
Coimbatore City,
Coimbatore District,
(Crime No.1335 of 2010).

2.D.Padmanabhan Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.382 of 2016 on the file of the third Judicial Magistrate at Coimbatore and quash the same.

For Petitioners : Mr.K.Myilsamy

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.382 of 2016 on the file of learned Judicial Magistrate, Coimbatore 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 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 judgment.

4.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.382 of 2016 on the file of learned Judicial Magistrate, Coimbatore, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

pnn
To

1.The Judicial Magistrate,
Coimbatore.

2.The Inspector of police,
City Crime Branch,
Coimbatore City,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.Myilsamy, Advocate sr 68322

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and

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PM(CO)
SP(16/09/2019)