

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.21567 of 2019

S.Mohankumar

... Petitioner

-vs-

1.State of Tamil Nadu, rep. by
Inspector of Police,
District Crime Branch,
Villupuram.

2.S.Annamalai
3.A.Valliammai
4.A.Subramanian
5.S.P.Kalyani

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate, Thirukovilur to dispose of the case in C.C.No.398 of 2014 on his file within a time frame to be fixed by this Court.

For Petitioner : Mr.Hasan Mohammed Jinnah

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

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate, Thirukovilur to dispose of the case in C.C.No.398 of 2014 on his file within a time frame to be fixed by this Court.

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.398 of 2014, on the file of the Judicial Magistrate, Thirukovilur, within a period of six months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate, Thirukovilur.
 2. -Do-Thro' The Chief Judicial Magistrate, Villupuram.
 - 3.The Inspector of Police,
District Crime Branch, Villupuram.
 - 4.The Public Prosecutor, High Court of Madras.
- +1 cc to M/s.A.Damodaran,Advocate Sr.No.68248

AKM/ 30.08.19/2P-6C /

CRL.O.P.No.21567 of 2019

सत्यमेव जयते

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