

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.21683 of 2019
and Crl.M.P.Nos.11210 & 11211 of 2019

Abdul Muneer

...Petitioner/Accused-I

Vs.

State represented by

Tmt.P.Sankari

The Drug Inspector, Tondiarpet-II,

Range, Zone-I, Chennai-600 006.

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to C.C.No.2370 of 2016 pending on the file of the XV Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioner : Mr.R.Narendran

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

This petition has been filed to call for the records pertaining to C.C.No.2370 of 2016 pending on the file of the XV Metropolitan Magistrate Court, George Town, Chennai and quash the same.

2. The various grounds raised by the learned counsel for the petitioner is 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 he 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 framing of charges, 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.2370 of 2016 pending on the file of the XV Metropolitan Magistrate Court, George Town, Chennai, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rri/ub

To

1.The Drug Inspector, Tondiarpet-II,
Range, Zone-I, Chennai-600 006.

2.The XV Metropolitan Magistrate,
George Town, Chennai.

3.The Public Prosecutor
High Court, Madras.

PVS (CO)
CB(26/09/2019)

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