

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.21364 of 2019  
and Crl.M.P.Nos.11049 & 11050 of 2019

1.T.Balakrishnan  
2.Mohammed Mustafa Shariff ...Petitioners

Vs.

State represented by  
The Drug Inspector, Tondiarpet -II,  
Range, Zone-I, Chennai-600 006. ...Respondent

PRAYER :

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the C.C.No.427 of 2015 pending on the file of the C.C.No.427 of 2015 pending on the file of the XV Metropolitan Magistrate Court, George Town, Chennai and quash the same.

For Petitioners : 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 the C.C.No.427 of 2015 pending on the file of the C.C.No.427 of 2015 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 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 are 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 framing of charge, 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.427 of 2015 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 V)

//True Copy//

Sub Assistant Registrar

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To

1. The XV Metropolitan Magistrate,  
George Town, Chennai.
2. Do Through The Chief Metropolitan Magistrate,  
Chennai.
3. The Drug Inspector,  
Tondiarpet -II, Range, Zone-I,  
Chennai-600 006.
4. The Public Prosecutor  
High Court, Madras.

CRL.O.P No.21364 of 2019  
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KK(CO)  
CS/18/09/2019