

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.21542 of 2019

and

Crl.M.P.Nos.11144 & 11145 of 2019

1.A.Adithya

2.A.Satheesh Kumar

... Petitioners

-vs-

1.The State represented by
The Inspector of police,
B-5, Manavala Nagar Police Station,
Manavala Nagar, Thiruvallur,
Thiruvallur District.

2.B.Shankar

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.65 of 2013 on the file of the Judicial Magistrate No.II, Thiruvallur and quash the same.

For Petitioners : Mr.K.S.Kumar

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

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.65 of 2013 on the file of the Judicial Magistrate No.II, Thiruvallur 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 C.C.No.65 of 2013 on the file of the Judicial Magistrate No.II, Thiruvallur, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

pnn

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II,
Thiruvallur.

2.The Inspector of police,
B-5, Manavala Nagar Police Station,
Manavala Nagar, Thiruvallur,
Thiruvallur District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.S.Kumar, Advocate, SR.No.68000

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and

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Kak(16/09/2019)