

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.21773 of 2019

and

Crl.M.P.Nos.11317 & 11319 of 2019

1.Palaniyandi
2.Balakumar
3.Murugan
4.Maruthayee
5.Ammasai

..Petitioners

.Vs.

1.The Inspector of Police
Mangalamedu Police Station
Perambalur District.

2.Shanmugam

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the proceedings in C.C No.23 of 2019 on the file of the Judicial Magistrate, Perambalur and quash the same.

For Petitioner : Mr.T.Balachandran

For 1st Respondent: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioners under Sections 147, 148, 341, 294(b), 323, 324, 355 and 506(ii) of IPC.

2. The grounds raised by the counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioners requested this

Court to dispense with the presence of the 1st and 5th petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the 1st and 5th 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 1st and 5th petitioners shall be present before the Court below at the time of framing of charges, questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C No.23 of 2019 within a period of six months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Judicial Magistrate
Perambalur.

2. The Inspector of Police
Mangalamedu Police Station
Perambalur District

3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.G.Padmanappan, Advocate, SR.No.68896

+1cc to Mr.T.Balachandran, Advocate, SR.No.69044

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Kak(20/09/2019)

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