

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.21721 of 2019
and CrI.M.P.Nos.11269 & 11271 of 2019

V.Arivalagan

... Petitioner

vs.

D.Sivasankaran

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pending on the file of the learned III Fast track Court, Saidapet, Chennai in C.C.No.214 of 2019 and quash the same.

For Petitioner : Mr.E.Kannadasan

ORDER

This petition has been filed to call for the records in C.C.No.214 of 2019, pending on the file of the learned III Fast track Court, Saidapet, 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 petitioners 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 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.214 of 2019, pending on the file of the learned III Fast track Court, Saidapet, Chennai, within a period of five months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(DR.CJ.conf)

//True Copy//

Sub Assistant Registrar

rka

To

1.The III Fast track Court, Saidapet, Chennai

2.The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to Mr.E.Kannadasan, Advocate, Sr.84181(09/10/2019)

PA(CO)
CB(17/09/2019)

Crl.O.P.No.21721 of 2019
and Crl.M.P.Nos.11269 & 11271 of 2019

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