

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P.No.22559 of 2019
and CrI.M.P.Nos.11753 & 11754 of 2019

1. Mr.Ramanathan
 2. Mrs.Poonkodi
 3. Mr.Santhosh Kumar
 4. Mr.Rajkumar
- ... Petitioners/Accused 1 to 4

vs.

- 1.The State,
Rep. by the Inspector of Police,
Edapadi Police Station,
Salem District. ...Respondent/Complainant
- 2.Mr.Jayapal ... Respondent/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in pertaining to the C.C.No.321 of 2018 on the file of the Judicial Magistrate No.II, Sankagiri, Salem District and quash the same.

For Petitioners : Mr.R.Chakkaravarthy

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

ORDER

This petition has been filed to call for the records in C.C.No.321 of 2018, pending on the file of the learned Judicial Magistrate No.II, Sankagiri, Salem District, on the file of the 1st Respondent 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 1 & 2 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 1 & 2 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.321 of 2018, on the file of the learned Judicial Magistrate No.II, Sankagiri, Salem District, 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 (DR CJ conf)

//True Copy//

Sub Assistant Registrar

rka
To

1.The Judicial Magistrate No.II,
Sankagiri, Salem.

2.The State,
Rep. by the Inspector of Police,
Edapadi Police Station,
Salem District.

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

+1cc to Mr.R.Chakkaravarthy, Advocate SR.74397

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BS (CO)
CB(10/10/2019)