

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.21727 of 2019

and

CrI.M.P.No.11280 & 11281 of 2019

R.M.R.Ramesh

Editor, Publisher and Printer,
"Dinakaran",

Kal Publications Private Limited
No.229, Kutchery Road, Mylapore,
Chennai - 4

...Petitioner/Accused

Vs.

City Public Prosecutor,
High Court Campus,
Chennai 600 104

...Respondent

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in C.C.No.9 of 2019 on the file of Principal Judge, City Civil Court, Chennai and quash the same.

For Petitioner : Mr.M.Sneha

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 500 & 501 of IPC in C.C.No.9 & 10 of 2019, pending on the file of learned Principal Judge, City Civil Court, Chennai.

2. The grounds raised by the petitioner is 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 petitioner to raise all the grounds before the Court below 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 petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration the facts and circumstances of the case, the petitioner is directed to appear before the learned Principal Judge, City Civil Court, Chennai, within a period of two weeks from the date of receipt of copy of this order and execute a bond under Section 88 of Cr.P.C for a sum of Rs.5,000/- without sureties undertaking to appear before the trial Court at the time of questioning under Section 313 of Cr.P.c and at the time of passing of final judgment. Thereafter, the presence of the petitioner before the trial Court shall be dispensed with and he shall be permitted to be represented by a counsel. The counsel representing the petitioner shall cross examine the witnesses on the same day, they are examined in chief and the petitioner shall not dispute the identity of the witnesses.

4. Accordingly, this Criminal Original Petition is dismissed, there shall be a direction to the Court below to complete the proceedings in C.C.No.9 of 2019, within a period of four months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The learned Principal Judge, City Civil Court, Chennai
2. The Public Prosecutor
High Court of Madras.

+1 CC to M/s.M. Sneha, Advocate sr 68865

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