

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.22345 of 2019
and Crl.M.P Nos.11606 and 11607 of 2019

1. Selvamani

2. Kuzhanthaivel

3. Selvambal

...Petitioners

Vs.

1. The Inspector of Police,
Kuvagam Police Station,
Ariyalur District.

2. Arumugam

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the proceedings and charge sheet in New STC No.107 of 2019 (Old STC No.549 of 2018) on the file of the Judicial Magistrate, Sendurai for the alleged offences under Sections 294(b), 323, 355 of IPC which arose from Crime No,161 of 2017 of Kuvagam Police Station, Ariyalur District and quash the same.

For Petitioners : Ms.Usha Ramman

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

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 294(b), 323, 355 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 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 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 he 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 judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No.107 of 2019 within a period of three months from the date of receipt of copy of this order. Consequently, the connected miscellaneous petitions are closed.

ssr

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate, Sendurai.
2. -Do- Thro' The Chief Judicial Magistrate, Ariyalur.
3. The Inspector of Police, Kuvagam Police Station, Ariyalur District.
4. The Public Prosecutor High Court, Madras.

+1cc to M/s.Usha Ramman, Advocate, SR.No.71878

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Kak(09/10/2019)