

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.22763 of 2019

and

CrI.M.P Nos.11845 and 11846 of 2019

C.Murugesan

... Petitioner

.Vs.

1.State Rep by,
The Inspector of Police,
Central Crime Branch,
Egmore, Chennai-600 008.
Crime No.413 of 2006

2.N.Usha

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the charge sheet in C.C.No.920 of 2010 on the file of Learned Chief Metropolitan Magistrate, Egmore Court, Chennai and quash the same.

For Petitioner : Mr.C.D.Johnson

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

ORDER

This petition has been filed to call for the records and quash the charge sheet in C.C.No.920 of 2010 on the file of Learned Chief Metropolitan Magistrate, Egmore Court, Chennai and quash the same.

2. The various grounds raised by the learned counsel for the petitioner 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 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 petitioner 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 his 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.920 of 2010, on the file of the Chief Metropolitan Magistrate, Egmore Court, Chennai, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

vs

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Chief Metropolitan Magistrate,
Egmore Court, Chennai.

2.The Inspector of Police,
Central Crime Branch,
Egmore, Chennai-600 008.

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

+1cc to Mr.C.D.Johnson, Advocate, SR.No.72270

CrI.O.P No.22763 of 2019
and
CrI.M.P Nos.11845 and 11846 of 2019
Kak (24/09/2019)