

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.22806 of 2019

and

CrI.M.P Nos.11916 and 11918 of 2019

S.Sasivarnam ... Petitioner

vs.

Malliga ... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in S.T.C.No.89 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Gummidipoondi and quash the entire proceedings pending against the petitioner.

For Petitioner : Mr.A.M.Rahamath Ali

ORDER

This petition has been filed to call for the records in S.T.C.No.89 of 2019 on the file of the District Munsif Cum Judicial Magistrate, Gummidipoondi and quash the entire proceedings pending against the petitioner.

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 S.T.C.No.89 of 2019, on the file of the District Munsif cum Judicial Magistrate, Gummidipoondi, within a period of four months from the date of receipt of copy of this order. The Court below is also directed to furnish a copy of all the documents filed along with the complaint to the learned counsel appearing for the petitioner. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vs
To

1.The District Munsif Cum Judicial Magistrate,
Gummidipoondi.

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

+lcc to M/s.A.M.Ragamath Ali, Advocate Sr.72852

Crl.O.P No.22806 of 2019
and

सत्यमेव जयते
Crl.M.P Nos.11916 and 11918 of 2019

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