

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.23396 of 2019
and Crl.M.P.Nos.12293 & 12295 of 2019

N.Venkatesan

... Petitioner/Accused

Vs.

G.Mohan

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in C.C.No.1466 of 2014, on the file of Metropolitan Magistrate, FTC III at Saidapet, Chennai and quash the same.

For Petitioner : Dr.R.Sampath Kumar

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.1466 of 2014, on the file of Metropolitan Magistrate, FTC III at Saidapet, 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 a 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 judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1466 of 2014, on the file of the Metropolitan Magistrate,

FTC III, Saidapet, 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

//True Copy//

Sub Assistant Registrar

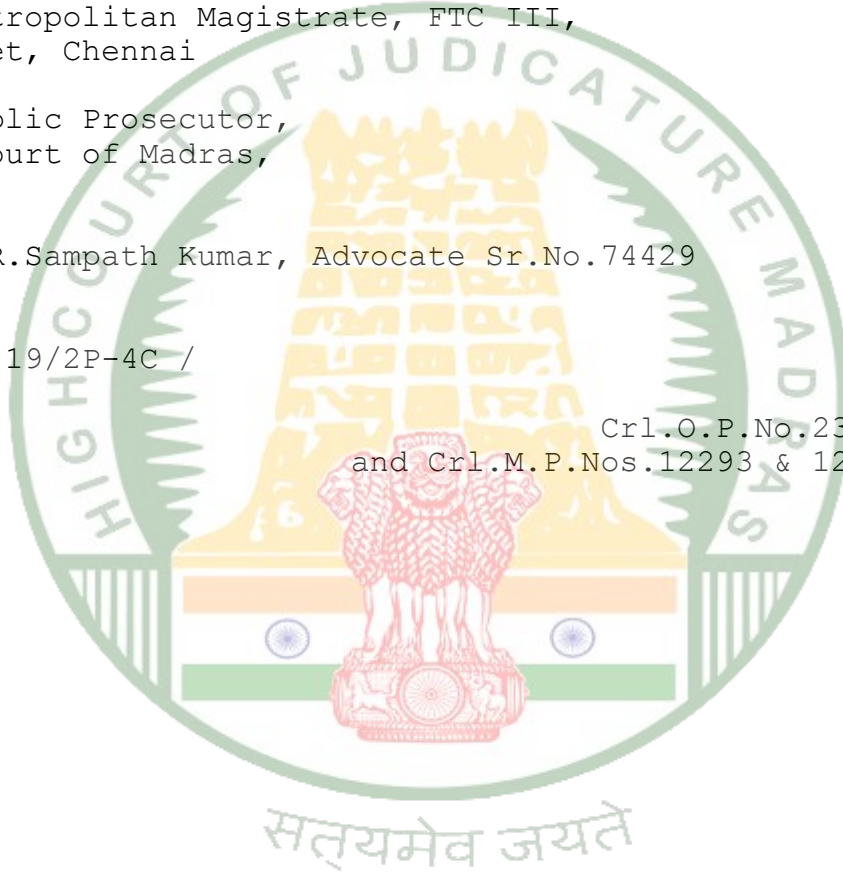
To

1. The Metropolitan Magistrate, FTC III, Saidapet, Chennai
2. The Public Prosecutor, High Court of Madras, Madras.

+1 cc Dr.R.Sampath Kumar, Advocate Sr.No.74429

AKM/27.09.19/2P-4C /

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