

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.1315 of 2017
and Crl.M.P Nos.924 and 925 of 2017

1.S.Duraisamy
2.D.Radhamani

...Petitioners / Accused

vs.

State by
The Inspector of Police,
Pollachi Taluk Police Station,
Pollachi,
Coimbatore District.
(Crime No.110 of 2016)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the entire records concerned in C.C.No.205 of 2015 on the file of the Judicial Magistrate -II, Pollachi, Coimbatore District and quash the same insofar as the petitioners are concerned.

For Petitioners: Mr.C.Prakasam

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the proceedings initiated by the respondent against the petitioners for an offence under Sections 294(b), 342, 323, 326 and 506(ii) of IPC.

2. The various grounds raised by the learned counsel for the petitioners 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 petitioners 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 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 are dispensed with and they 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 judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.205 of 2015, on the file of the Judicial Magistrate No-II, Pollachi, Coimbatore, within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Judicial Magistrate No-II,
Pollachi, Coimbatore.
2. - do - through The Chief Judicial Magistrate,
Coimbatore.
3. The Inspector of Police,
Pollachi Taluk Police Station,
Pollachi,
Coimbatore District.
4. The Public Prosecutor,
High Court of Madras, Madras.

+1 cc to Mr.C.Prakasam, Advocate, S.R.No.57115

Cr1.O.P.No.1315 of 2017
and Cr1.M.P Nos.924 and 925 of 2017

SV(CO)
SSM(24/07/2019)