



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2946 of 2017

and Crl.M.P.Nos.2112 and 2113 of 2017

D.Seaganpaul

...Petitioner

Vs.

1. The State

Rep. by its Sub-Inspector of Police,
District Crime Branch,
Coimbatore District.
(Crime No.02 of 2016)

2.Palanisamy

...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.3 of 2016 on the file of the Judicial Magistrate VI, Valparai (CC No Amended as per order of this court dt.16/07/17 in Crl.MP.No.2461/17 instead of (10).

For Petitioner : Mr.S.Sithirai Anandam

For R1 : Mr.M.Mohamed Riyaz

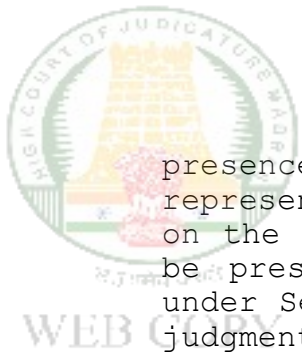
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the proceedings initiated by the 1st respondent against the petitioner for an offence under Section 420 IPC (2 Counts)

2. The various grounds raised by the learned counsel for the petitioner is 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, he is 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.3 of 2016, on the file of the Judicial Magistrate No-VI, Valparai, within a period of four months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msrm

To

- 1.The learned Judicial Magistrate No-VI,
Valparai.
2. The Sub-Inspector of Police,
District Crime Branch,
Coimbatore District.
(Crime No.02 of 2016)
3. The Public Prosecutor,
High Court of Madras,
Madras.

+lcc to Mr.S.Sithirai Anandam, Advocate sr.57071

Cr1.O.P.No.2946 of 2017
and Cr1.M.P.Nos.2112 and 2113 of 2017

rr(co)
nr 06/08/2019