



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P(MD)No.10545 of 2017

and

CRL.M.P(MD)Nos.7227 and 7228 of 2017

1.Sornalingam
2.Theaivaneethi

.. Petitioners/Accused Nos.1 & 2

Vs.

1.The State,

Rep. by Special Sub Inspector of Police,
Aravayal Police Station,
Sivagangai District.
(Crime No.21 of 2017)

.. 1st Respondent/Complainant

2.Manikandan .. 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to S.T.C.No.961 of 2017 on the file of the learned Judicial Magistrate, Devakottai and quash the same.

For Petitioner : Mr.AL.Kannan
For Respondents : Mr.K.Suyumbulinga Bharathi for R1
Government Advocate (Crl. Side)
Mr.R.Aravind Raj for R2

ORDER

This petition has been filed to call for the records in S.T.C.No.961 of 2017, pending on the file of the learned Judicial Magistrate, Devakottai, in Crime No.21 of 2017 on the file of the 1st Respondent and quash the same.

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 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 petitioners requested this Court to dispense with the presence of the second petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the second petitioner is dispensed with and she shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The second 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.961 of 2017, on the file of the Judicial Magistrate, Devakottai, 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(CO)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

1.The Judicial Magistrate, Devakottai.

2.The Special Sub Inspector of Police,
Aravayal Police Station,
Sivagangai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.R.ARAVIND RAJ, Advocate Sr. No. 94440

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TR(07.11.2019) 2P 5C