



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.12024 of 2017

and

Crl.M.P. (MD) No.8282 of 2017

Abdul Samathu

...Petitioner/ Respondent

vs.

Thaju Nisha

... Respondent/ Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned proceedings in M.C.No.18 of 2017 on the file of learned Judicial Magistrate No.5, Tirunelveli and quash the same.

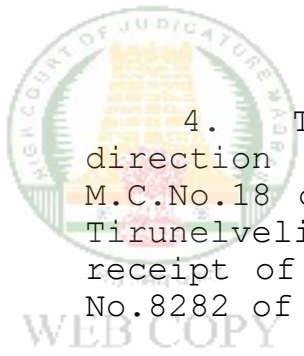
For Petitioner : Mr.N.Mohideen Basha
For Respondent : Mr.K.Praveen Kumar

O R D E R

This Criminal Original Petition has been filed to call for the records in M.C.No.18 of 2017 on the file of learned Judicial Magistrate No.5, Tirunelveli 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 as and when required and during important dates of hearing.



4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in M.C.No.18 of 2017 on the file of learned Judicial Magistrate No.5, Tirunelveli, within a period of two(2) months from the date of receipt of copy of this order. Consequently, connected Crl.M.P.(MD) No.8282 of 2017 is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sts
To

The Judicial Magistrate No.5,
Tirunelveli.

Order made in
Crl.O.P. (MD) .No.12024 of 2017
Dated:26.11.2019

SMA/08/01/2020/2P/2C