



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.16213 of 2017

and

Crl.M.P. (MD) Nos.10742 & 10743 of 2017

1) C.Jeyapal @ Jeyabalan

2) J.Ammaiyappan

... Petitioners/Accused Nos.1 & 3

vs.

1) State rep. by

The Inspector of Police,
Batlagundu Police Station,
Dindigul District,
(Cr.No.3/2016)

... R-1/ Complainant

2) K.Matchinathan

... R2/ De facto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in S.T.C.No.806 of 2017 on the file of Judicial Magistrate Court, Nilakottai and quash the same.

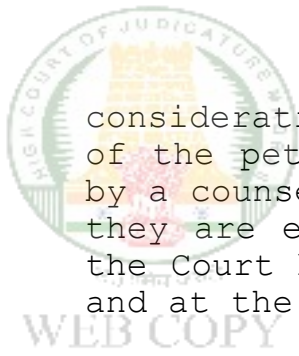
For Petitioners	: Mr.Cibi Chakravarthy
	For Mr.R.Thangapandian
For R1	: Mr.K.Suyambulinga Bharathi
	Government Advocate(Crl.side)

O R D E R

This Criminal Original Petition has been filed to call for the records in S.T.C.No.806 of 2017, pending on the file of learned Judicial Magistrate Court, Nilakottai 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 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 is 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 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.806 of 2017 on the file of Judicial Magistrate Court, Nilakottai, within a period of three(3) months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate Court,
Nilakottai.
2. The Inspector of Police,
Batlagundu Police Station,
Dindigul District,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mg.R.THANGAPANDIAN, Advocate (SR-94716[F] dated 25/10/2019)

Order made in
Crl.O.P. (MD) .No.16213 of 2017

Dated:24.10.2019

MK (22.11.2019) 2P 5C