



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.10.2019**

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.16624 of 2017

and

Crl.M.P. (MD) No.10987 of 2017

J.Xavier

... Petitioner/Sole-Accused

vs.

1) The Inspector of Police,
Uthamapalayam Police Station,
Theni District,
Crime No.659 of 2015

2) Arulanantham

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records of the final report in S.T.C.No.10817 of 2016 pending on the file of learned Judicial Magistrate, Uthamapalayam and quash the same.

For Petitioner: Mr.V.Angusamy

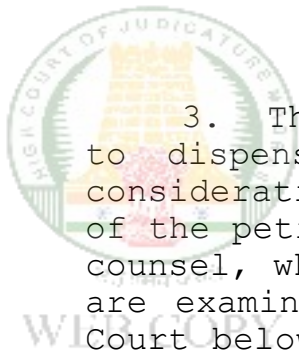
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.side)

For R2 : Mr.K.P.Ramesh

O R D E R

This Criminal Original Petition has been filed to call for the records in S.T.C.No.10817 of 2016, pending on the file of the learned Judicial Magistrate, Uthamapalayam 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 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.10817 of 2016, pending on the file of the learned Judicial Magistrate, Uthamapalayam, within a period of two(2) months from the date of receipt of copy of this order. Consequently, connected Crl.M.P.(MD) No.10987 of 2017 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

To

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

Order made in
Crl.O.P.(MD).No.16624 of 2017
Dated:24.10.2019

sts
MS/13-11-2019/2P.4C