



WEB COPY

on the file of the learned Judicial Magistrate No.I, Fast Track

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .Nos.17918 & 17919 of 2017

and

Crl.M.P. (MD) Nos.11703 to 11706 of 2017

M.S.Moosa Mubarak Ali

... Petitioner/Accused in both cases

vs.

P.Selva Kumar

... Respondent/ Complainant in both cases

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of the Code of Criminal Procedure, praying to call for the records connected with the complaint in S.T.C.Nos. 211 & 210 of 2017 pending on the file of the learned Judicial Magistrate No.I, Fast Track Court (Magisterial level), Madurai and quash the same.

In both cases:

For Petitioner : Mr.R.Rajamohan

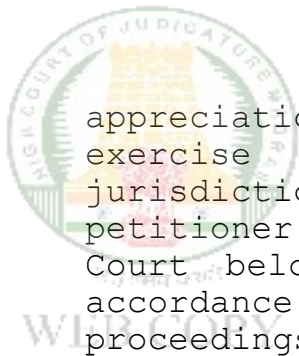
C O M M O N O R D E R

Since the issues involved in both the cases are one and the same, both the cases are disposed of by this common order.

2. These Criminal Original Petitions have been filed seeking to quash the proceedings in S.T.C.Nos.210 & 211 of 2017, pending on the file of the learned Judicial Magistrate No.I, Fast Track Court (Magisterial level), Madurai, against the petitioner.

3. The various grounds raised by the learned counsel for the petitioner are all factual in nature and the same requires

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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.

4. 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.

5. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.Nos.210 & 211 of 2017, pending on the file of the learned Judicial Magistrate No.I, Fast Track Court (Magisterial level), Madurai, 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 II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate No.I,
Fast Track Court (Magisterial level),
Madurai.

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

+2 CC to M/s.R.RAJAMOHAN, Advocate (SR-94735[F] dated 25/10/2019),
94736

Cr1.O.P. (MD) .Nos.17918
& 17919 of 2017

Dated:
24.10.2019