



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) .No.6275 of 2017

and

Crl.M.P. (MD) Nos.4211 & 4212 of 2017

WEB COPY

Prasath @ Lakshmi Prasath

... Petitioner/Sole Accused

vs.

1) The Deputy Superintendent of Police,
Sattur Sub Division,
Sattur, Virudhunagar District.

2) The Special Sub Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No.151 of 2016

... Respondents/Complainants

3) Kanagaraj

... Respondent/ De facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in connection with the impugned charge sheet in P.R.C.No.47 of 2016, pending on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District and quash the same.

For Petitioner : Mr.N.Sathish Babu

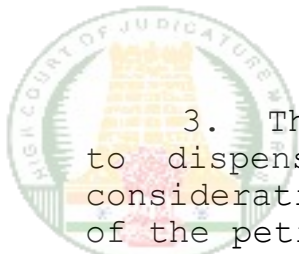
For RR 1 & 2 : Mr.K.Dinesh Babu,
Additional Public Prosecutor

For R3 : No Appearance

O R D E R

This Criminal Original Petition has been filed seeking to quash the records in P.R.C.No.47 of 2016, pending on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District.

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 trial Court at the time of framing of charges, 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 commit the proceedings in P.R.C.No.47 of 2016, pending, on the file of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District, within a period of one month from the date of receipt of copy of this order and the concerned trial Court shall complete the proceedings within four months thereafter. 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.II,
Sattur, Virudhunagar Dt

2) The Deputy Superintendent of Police,
Sattur Sub Division,
Sattur, Virudhunagar District.

3) The Special Sub Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No.151 of 2016

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

Order made in

Crl.O.P. (MD) .No.6275 of 2017

Dated:

22.11.2019