



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.9494 of 2017

and

Crl.M.P. (MD) Nos.6477 & 6478 of 2017

Esack @ Esack Jam

...Petitioner/ Accused No.7

vs.

1) State rep. by
The Inspector of Police (L& O),
Kulasekaram Police Station,
Kanyakumari District.

... R-1/ Complainant

2) Bright

... R-2/ De facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records in P.R.C.No.2 of 2015 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and quash as against the petitioner.

For Petitioner : Mr.R.Mariappan

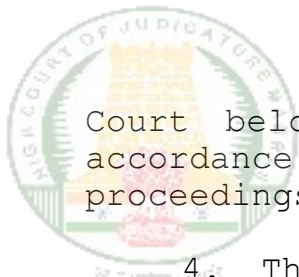
For R-1 : Mr.S.Chandrasekar,
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the proceedings in P.R.C.No.2 of 2015, pending on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District.

2. It is brought to the notice of this Court by the learned Additional Public Prosecutor that the case has already been committed to the file of the Assistant Sessions Court, Padmanabhapuram and the same is now pending in S.C.No.137 of 2016.

3. 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.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.137 of 2016, on the file of the Assistant Sessions Court, Padmanabhapuram 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(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

sts

To

- 1) The Judicial Magistrate,
Padmanabhapuram, Kanyakumari District.
- 2) The Assistant Sessions Court,
Padmanabhapuram
- 3) The Inspector of Police (L& O),
Kulasekaram Police Station,
Kanyakumari District.
- 4) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in

Crl.O.P. (MD) .No.9494 of 2017

Dated:

22.11.2019

kg(CO)

TR(03.01.2020)2P 5C