

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.02.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.88 of 2019
and Crl. MP No.58 of 2019

M.Mohamad Nawaz ... Petitioner/Accused
vs.
S.Syed Mustafa ... Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the case in STC No.178 of 2018 pending on the file of the learned Judicial Magistrate (Fast Track), Tiruchengode, quash the same.

For Petitioner : Mr. N.Manokaran
For Respondent : Mr.A.R.Nixon

ORDER

This petition has been filed seeking to quash the proceedings in STC No.178 of 2018 pending on the file of the learned Judicial Magistrate (Fast Track), Tiruchengode.

2. The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

3. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of three months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab* [2015 (1) MLJ (Crl) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in *STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH* (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS.III)

/True Copy/

Sub Assistant Registrar

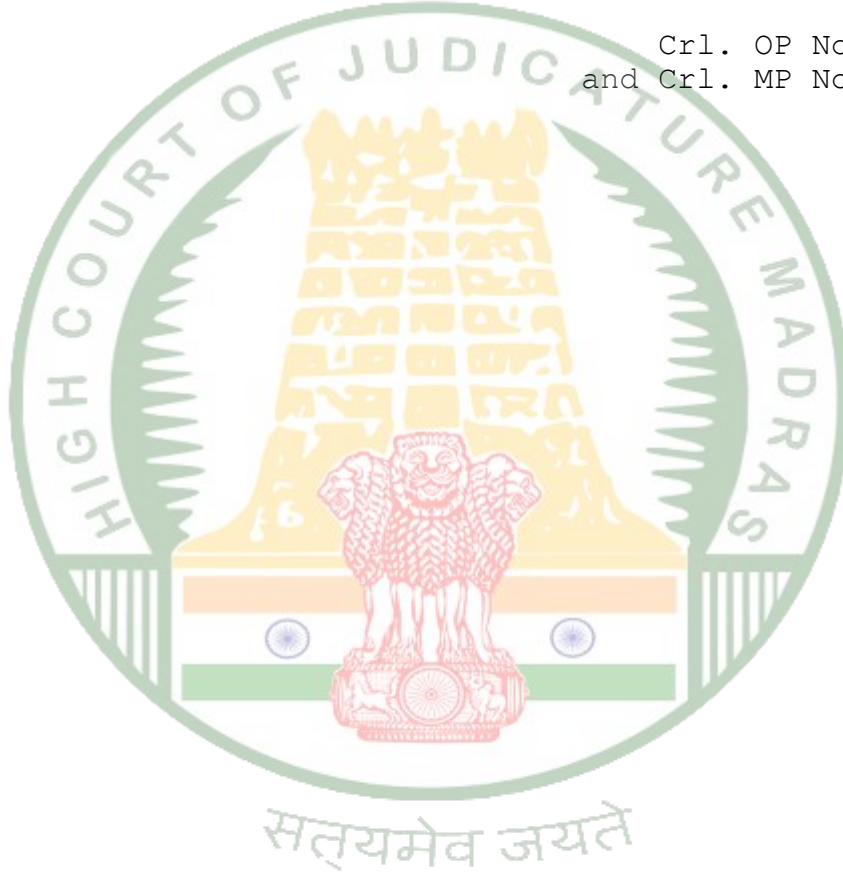
To

The Judicial Magistrate (Fast Track),
Tiruchengode.

+1cc to Mr.N.Manokaran, Advocate SR.NO.6038
+1cc to Mr.A.R.Nixon, Advocate SR.NO.6249

AKM/24.02.21/2P-4C/

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