

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.903 of 2021
and
Crl.M.P Nos.567 and 568 of 2021

1.Praveen

2.V.A.Palanivel

...Petitioners

Vs.

1.State rep.by

The Inspector of Police,
Sendurai Police Station,
Ariyalur District.

...1st respondent/Complainant

2.Chandrakasan

...2nd respondent / De facto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to C.C.No.58 of 2020, pending on the file of the District Munsif cum Judicial Magistrate Court at Sendurai.

For Petitioners : Mr.R.Jayaprakash

For Respondents : Mr.C.Raghavan
Government Advocate
for 1st respondent

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.58 of 2020, pending on the file of the District Munsif cum Judicial Magistrate Court, Sendurai.

2. The grounds raised by the learned counsel for the petitioners are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioners to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioners requested this Court to dispense with the presence of the 2nd petitioner. . Taking into consideration, the facts and circumstances of the case, the presence of the 2nd 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 2nd 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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.58 of 2020, pending on the file of the District Munsif cum Judicial Magistrate Court at Sendurai, 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 (Cr1) 288 SC]. If the petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners 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 petitions are also closed.

सत्यमेव जयते
Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

kp

WEB COPY

To

1.District Munsif cum Judicial Magistrate Court,
Sendurai
Ariyalur

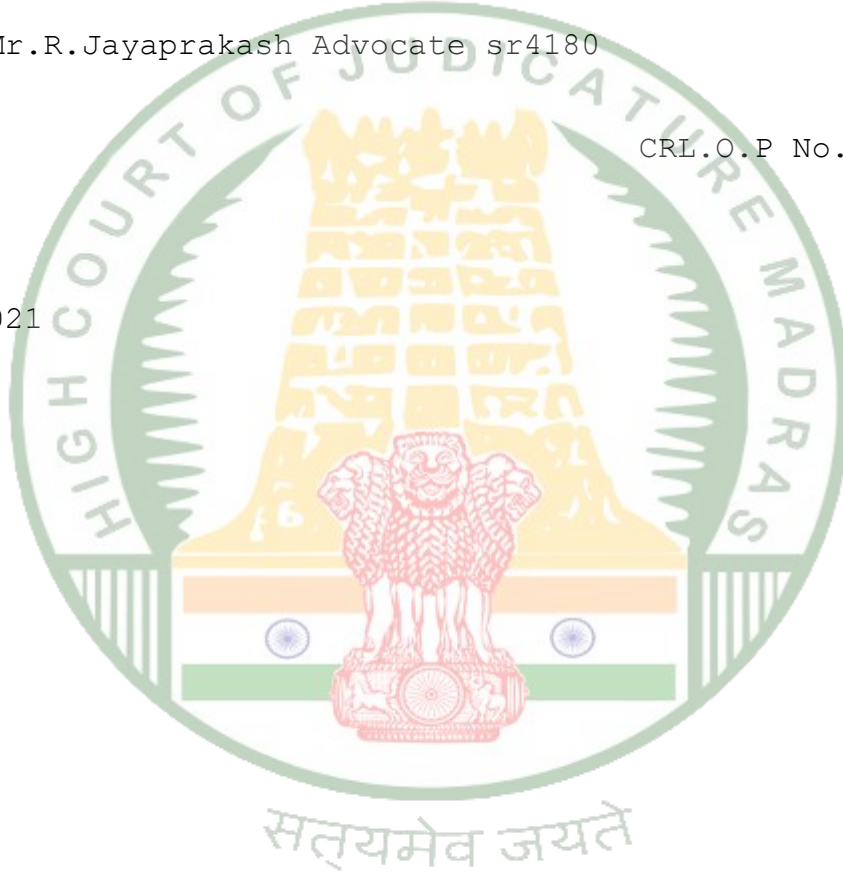
2. The Inspector of Police,
Edappadi Police Station,
Salem District.

3. The Public Prosecutor,
High Court, Madras

+1 cc to Mr.R.Jayaprakash Advocate sr4180

CRL.O.P No.903 of 2021

ssd(co)
aa17/02/2021



WEB COPY