

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.837 of 2021
and
Crl.M.P Nos.508 and 509 of 2021

1.Palanisamy

2.Valarmathi

3.Prema

4.Suganthi

...Petitioners

Vs.

1.State rep.by

The Inspector of Police,
Edappadi Police Station,
Salem District.
(Crime No.471/2015)

..1st respondent/Complainant

2. Chinnapan

..2nd respondent / Defacto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to C.C.No.308 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Edappadi, Salem District and to quash the same.

For Petitioners: Mr.C.Prabakaran

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

ORDER

This petition has been filed seeking to call for the records in C.C.No.308 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Edappadi, Salem District and to quash the same.

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 petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners 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.308 of 2019, on the file of the District Munsif cum Judicial Magistrate Court, Edappadi, Salem District, 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 them 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/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

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

2.District Munsif cum Judicial Magistrate Court,
Edappadi,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.C.Prabakaran, Advocate Sr.No. 4092

CRL.O.P No.837 of 2021

VSNI (CO)
RMP (18/02/2021)



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