

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.2607 of 2021

and

CRL.M.P.Nos.1430 & 1431 of 2021

G.Natarajan

.. Petitioner

Vs.

1. State by

The Inspector of Police,
District Crime Branch,
Salem & District.
(Crime No.20 of 2017)

2. C.Sivaraj

.. Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records pertaining to the C.C.No.823 of 2020 on the file of the Judicial Magistrate No.VI, Salem and quash the same.

For Petitioner : Mr.B.Kumarasamy

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.823 of 2020 pending on the file of the learned Judicial Magistrate No.VI, Salem.

2. The petitioner before this Court has been added as A3 in the final report.

3. The learned Government Advocate (Criminal Side) submitted that there are prima facie materials against the petitioner.

4. This Court has carefully considered the submissions made on either side and also perused the materials placed on record.

5. 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.

6. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner considering his age. 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 Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

7. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of six 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]. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.VI, Salem.

2.-do-thro Chief Judicial Magistrate,
Salem.

3.The Inspector of Police, District Crime Branch,
Salem & District. (Crime No.20 of 2017)

4.The Public Prosecutor,
High Court, Madras.

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and

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GMI (CO)
CB(17/03/2021)