

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2021
CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl. OP No.1209 of 2021
and Crl. MP Nos.734 & 735 of 2021

Kolandayal

... Petitioner/Accused-3

vs.

The State rep. by,
Inspector of Police,
CSCID, Erode.
(Crime No.17 of 2017)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in C.C.No.58 of 2018 on the file of Judicial Magistrate No.III, Erode and quash the same.

For Petitioner : Mr. T.Ganesan

For Respondent : Mr.C.Raghavan,

Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.58 of 2018 pending on the file of Judicial Magistrate No.III, Erode.

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. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. The presence of the petitioner is dispensed with and she 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 judgment.

4. 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 her 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy// Sub Assistant Registrar

jv
To

1. The Judicial Magistrate No.III,
Erode.
2. The Inspector of Police,
CSCID, Erode.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl. OP No.1209 of 2021
and Crl. MP Nos.734 & 735 of 2021

A.SK(25.02.2021)

सत्यमेव जयते

WEB COPY