

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1416 of 2021

and

CrI.M.P No.839 of 2021

Jasmine Ramya

...Petitioner/2nd Accused

Vs.

1. The State Rep. By
Inspector of Police,
H8, Thiruvottiyur Police Station,
Chennai District

..1st respondent/
Complainant

2. Mr.Logesh Babu

..2nd respondent /
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to the P.R.C.No.10 of 2019 on the file of the Judicial Magistrate, Thiruvottiyur and quash the same by allowing this Criminal Original petition.

For Petitioner : S.D.Devakumar
For Respondents : Mr.C.Raghavan
Government Advocate for
R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 420, 109 of IPC and Section 72 of Information Technology Act.

2. The grounds raised by the counsel for the petitioner 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 petitioner 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 Judicial Magistrate, Thiruvottiyur is directed to commit the case to the Sessions Court within a period of six weeks from the date of receipt of copy of this order and the trial court shall complete the proceedings within a period of three months thereafter. 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 accused persons adopt any dilatory tactics, it is open to the trial Court to insist upon their presence 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.

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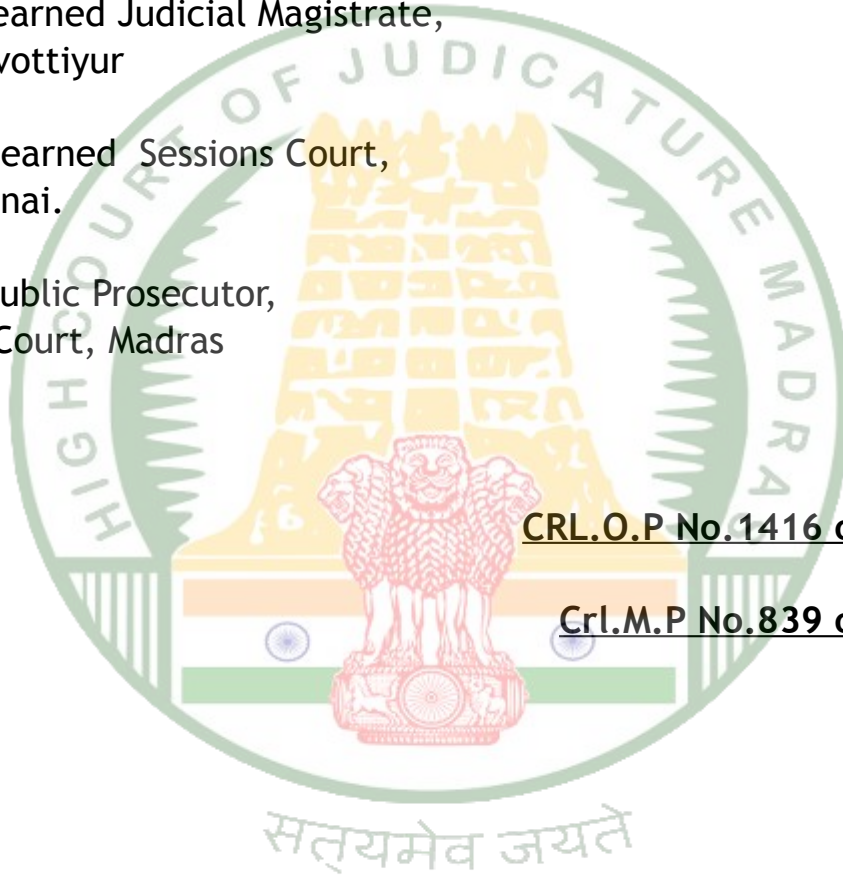
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N.ANAND VENKATESH.J.,

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To

1. The learned Judicial Magistrate,
Thiruvottiur
2. The learned Sessions Court,
Chennai.
2. The Public Prosecutor,
High Court, Madras



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