

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10138 of 2018

and

Crl.M.P.Nos.5157 & 5158 of 2018

Dharmalingam

... Petitioner/Accused

Vs.

Jayesh

Proprietor of M/s Siddhi Vinayak Marketing,
Repd. By his Power Agent Sandeep
No.44/34, Ekambereshar Agraharam Street,
Park Town, Chennai-3.

...Respondent/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in CC.No.3999 of 2017 on the file of the Fast Track Magistrate Court-I, (IV-MM) George Town, Chennai and quash the same.

For petitioner : Mr.Doraisamy

Senior Advocate for M/S.V.Elangovan

For Respondent : M/S.P.J.Rishikesh

ORDER

The petitioner has filed this petition seeking to call for the records relating to the proceedings in CC.No.3999 of 2017 on the file of the Fast

Track Magistrate Court-I, (IV-MM) George Town, Chennai and quash the same.

2. Though several grounds have been raised by the learned counsel for the petitioner, however, this Court is of the opinion the issue is a triable issue and 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 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. It is represented by the learned counsel appearing for the petitioner that this Court may issue a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioner before the Trial Court may be dispensed with.

4. Accordingly, this petition is disposed of directing the trial court to

dispose of CC.No.3999/2017 as expeditiously as possible as per seniority of the case. The petitioner and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioner, his appearance before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

06.10.2021

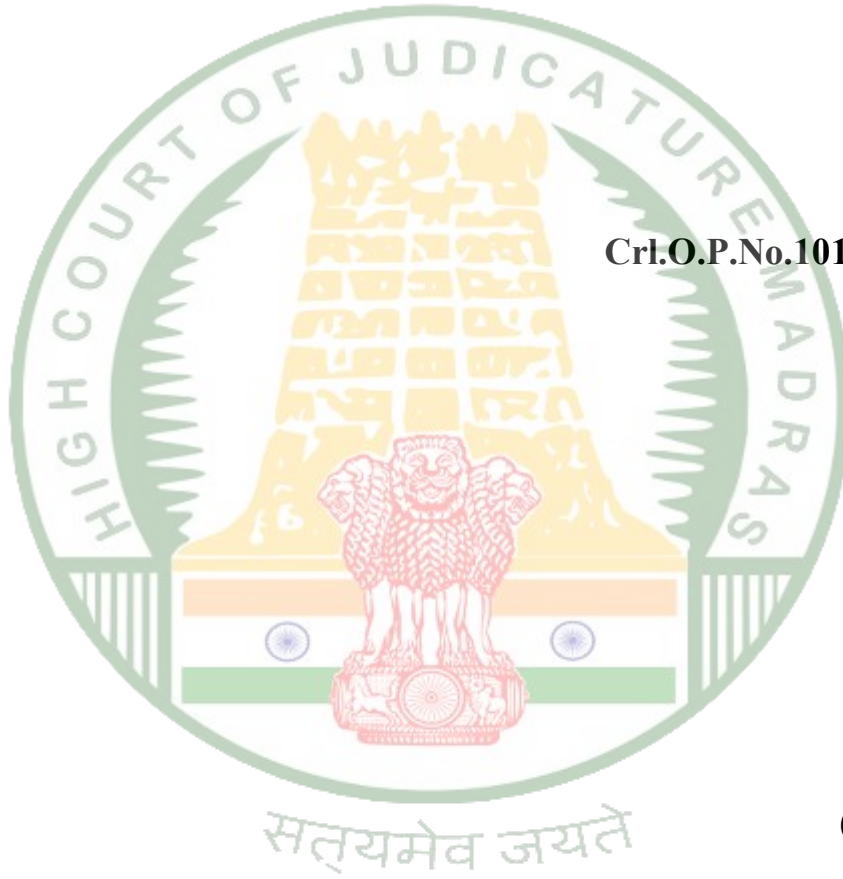
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To

- 1.The Fast Track Magistrate Court-I, (IV-MM)
George Town, Chennai.
- 2.The Public Prosecutor,
High Court of Madras, Chennai 600 104.

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M.DHANDAPANI,J.
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