

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3392 of 2021
and
Crl.M.P Nos.1972 and 1973 of 2021

K.V.Rathinam

...Petitioner

Vs.

1.State rep.by
The Inspector of Police,
District Crime Branch,
Anti-Land Grabbing Cell,
Thiruvallur.

2.Kakollu Prasad

3.Mr.Kakaria Ravindra

4.Mr.Yamaia Ramesh

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the criminal case in C.C.No.30 of 2020, pending on the file of the learned Judicial Magistrate, Thirutani, quash the same by allowing this criminal original petition.

For Petitioner : Mr.P.Krishnan
For Respondents : Mr.C.Raghavan
Government Advocate
for R 1

ORDER

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.30 of 2020, pending on the file of the learned Judicial Magistrate, Thirutani,

2. The grounds raised by the learned 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 counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, 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 as and when his presence is insisted by the Court below without fail. 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.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.30 of 2020, pending on the file of the Judicial Magistrate, Thirutani, 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 the Hon'ble Supreme Court in Vinod Kumar Vs State of Punjab reported in [2015 (1) MLJ (Cr1) 288 SC]. Consequently, connected miscellaneous petitions are also closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

KP

To

1. The Inspector of Police,
District Crime Branch,
Anti-Land Grabbing Cell,
Thiruvallur.

2. Judicial Magistrate Court,
Judicial Magistrate, Thirutani.

3. The Public Prosecutor,
High Court, Madras

+1 CC to Mr.P.Krishnan, Advocate sr 10617.

CRL.O.P No.3392 of 2021

AAB(CO)
SP(12/03/2021)