



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CrI.O.P.No.6323 of 2018

and

CrI.M.P.Nos.3196 & 3197 of 2018

K.Vijayakumar

...Petitioner / Accused - 2

Vs.

1.The state Rep by its

The Inspector of Police,

G-5, Secretariat Colony Police Station (L&O)

Chennai - 600 010.

(Cr.No.431/2016)

...Respondent / Complainant

2.S.Mohan

...Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the C.C.No.583 of 2018 in Crime No.431 of 2016 on the file of the Chief Metropolitan Magistrate, Egmore (Allikulam), Chennai and quash the same.

For Petitioner : Mr.T.Arunkumar

For Respondent No.1 : Mr.C.E.Pratap
Public Prosecutor

O R D E R

The petitioner has filed this petition seeking to call for the records pertaining to the C.C.No.583 of 2018 in Crime No.431 of 2016 on the file of the Chief Metropolitan Magistrate, Egmore (Allikulam), Chennai and quash the same.

2. The grounds raised by the counsel for the petitioners 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 petitioners 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 petitioners 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 petitioners before the Trial Court may be dispensed with.

4. Accordingly, this petition is disposed of directing the trial court to dispose of C.C. No.431/2016 as expeditiously as possible as per seniority of the case. The petitioners 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 their 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 petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

sk

To

- 1.The Chief Metropolitan Magistrate,
Egmore (Allikulam), Chennai
- 2.The Inspector of Police,
G-5, Secretariat Colony Police Station (L&O)
Chennai - 600 010.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.T.Arunkumar, Advocate SR.No.35831

Cr1.O.P.No.6323 of 2018
and
Cr1.M.P.Nos.3196 & 3197 of 2018

SSV(CO)
RVM(26/08/2021)