



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.OP.NO.4374 OF 2016

&

CRL.MP.NOS.2282 & 2283 OF 2016

[Video Conferencing]

Kathirvel

... Petitioner

Versus

1. The State Rep by its,
The Inspector of Police,
District Crime Branch,
Salem District.

2. Sangeetha

... Respondents

Prayer : - Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the entire records connected with the case in C.C.No.575/2020 on the file of the learned Judicial Magistrate No.VI, Salem quash the same.
(Amended as per order CRL.MP.No.9762 of 2021 in CRL.OP.No.4374 of 2016 dated 23.09.2021)

For Petitioner : Mr.P.Gnanasekaran
for Mr.S.Jeyakumar

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

For R2 : No appearance

ORDER

This petition has been filed by the 1st accused seeking interference with further proceedings in C.C.No.575 of 2020 which is now pending on the file of the Judicial Magistrate No.VI, Attur, Salem.

2.Originally the matter was pending before the Judicial Magistrate No.II, Attur as C.C.No.4 of 2012.



3. Heard Mr.P.Gnanasekaran an learned counsel appearing on behalf of Mr.S.Jeyakumar, learned counsel for the petitioner.

4. I am informed that the matter is in trial stage and as a matter of fact had been listed yesterday (29.09.2021) for examination of LW-13 who is the Investigation Officer.

5. This naturally means that the counsels for the petitioner herein are actively participating in the trial proceeding. I am confident that they will take up every issue which the learned counsel now wants this Court to agitate. There is substantial evidence available on the file of the Magistrate who is conducting the trial and it is open to the Magistrate to appreciate such evidence and pass judgment on merits. All the points urged now would have been taken note of the learned counsel who is conducting trial.

6. Let the trial move forward and a decision be given on the basis of the evidence adduced during the course of trial. It would be highly inappropriate on the part of this Court to interfere with the trial proceedings at this stage, particularly during the course of examination of the Investigation Officer. Hence, the present Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

7. A direction is given to the petitioner to go back to the trial Court and continue to participate in the trial proceedings with much prudence.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

smv

To

1. The Judicial Magistrate Court No.VI, Salem.
2. The Inspector of Police,
District Crime Branch,
Salem District.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.S.Jeyakumar, Advocate, S.R.No.51106

Cr1.OP.No.4374 of 2016

AD(CO)
RLP(01/11/2021)