

v IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3529 of 2021

and

CrI.M.P No.2065 of 2021

Nagajothi

....Petitioner/Accused No.2

Vs.

1.State rep.by
The Inspector of Police,
CCB EDF-II Group-4,
Egmore, Chennai.

..Respondent/Complainant

Crime No.275/2015.

2.Venkateshwara Hatcheries Pvt.Ltd.,
Rep.by N.Manjesh Kumar Jadhav,
Doc.No.53, S/o.S.Narasingarav,
No.34/7, Ranyas Apartment,
3rd Floor,
T.Nagar, Chennai-17.

..Respondent /
de facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, call for the records from the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai-8 in C.C.No.4818 of 2018 and quash the same.

For Petitioner : Mr.G.Ganesan
For Respondents : Mr.C.Raghavan
Government Advocate
for R 1

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.4818 of 2018, pending on the file of the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai-8.

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 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 she 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 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.4818 of 2018, pending on the file of the learned CCB & CBCID Metropolitan Magistrate, Egmore, Chennai-8, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

KP

To

1.The Inspector of Police,
CCB EDF-II Group-4,
Egmore, Chennai.

2.The CCB & CBCID
Metropolitan Magistrate,
Egmore, Chennai-8.

3.The Public Prosecutor,
High Court, Madras

+lcc to M/s.R.Ganesan, Advocate, Sr.No.12377

CRL.O.P No.3529 of 2021

SKY (CO)
KKV/18/03/2021



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