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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.3614 of 2018

and

Crl.M.P No.1632 of 2018

1. Murugan

2. Sangeetha

...Petitioners

Vs.

The Inspector of Police,
T-8 Muthapudupet Police Station,
Tiruvallur District.

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the C.C.No.330 of 2017 pending on the file of the Judicial Magistrate, Ambattur, Chennai.

For Petitioners : M/s. T.K.Ashok Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 294(b), 323, 506(i) & Sec.4 of TNPHW Act 2002.

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 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners 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 CC No.330 of 2017 as expeditiously as possible. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand him to custody as per the judgment of the Hon'ble Supreme Court in STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

smn

To

1. The Learned Judicial Magistrate,
Ambattur, Chennai.
2. The Chief Judicial Magistrate,
Tiruvallur.
3. The Inspector of Police,
T-8 Muthapudupet Police Station,
Tiruvallur District.



4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s. T.K.Ashok Kumar, Advocate, S.R.No.31934

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UM(CO)
RLP(05/08/2021)