

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.OP.No.3341 of 2021

and

CrI.MP.Nos.1926 and 1928 of 2021

1.M.Sudhakar

2.N.N.Pughazhendhi

...Petitioners/
Accused 2 & 3

Vs.

1.State rep.by
Inspector of Police,
Sathuvacheri Police Station,
Vellore District.

1st respondent/
Complainant

(Crime No.334/2018)

2.Ramadass

..2nd Respondent/
De facto complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.193 of 2020, pending before the learned Judicial Magistrate (Additional Mahila Court), Vellore pending trial quash the same.

For Petitioners : Mr.L.Mahendran

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.193 of 2020, pending on the file of the learned Judicial Magistrate (Additional Mahila Court), Vellore.

2. The grounds raised by the learned 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 C.C.No.193 of 2020, on the file of the learned Judicial Magistrate (Additional Mahila Court), Vellore, within a period of three 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 (Crl) 288 SC]. If the petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them 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 petitions are also closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

KP
To

1. The Inspector of Police,
Sathuvacheri Police Station,
Vellore District.

2. Judicial Magistrate
(Additional Mahila Court),
Vellore.

3. The Public Prosecutor,
High Court, Madras

CRL.O.P No.3341 of 2021

A.SK(15.03.2021)

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