

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3369 of 2021

and

Crl.M.P Nos.1953 and 1954 of 2021

Mr.Arunpillai

...Petitioner/Accused

Vs.

Dr.R.S.Pavithra

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the entire records in C.C.No.1652 of 2019, on the file of Metropolitan Magistrate Fast Track Court III at Saidapet, Chennai and to quash the same.

For Petitioner : Mr.M.Kempraj

ORDER

This criminal original petition has been filed seeking to quash the proceedings in C.C.No.1652 of 2019, pending on the file of Metropolitan Magistrate Fast Track Court III, Saidapet, Chennai.

2. The grounds raised by the learned 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 he 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.1652 of 2019, on the file of Metropolitan Magistrate Fast Track Court III, Saidapet, Chennai, 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 (Cr1) 288 SC]. Consequently, connected miscellaneous petitions are also closed.

s/d-

Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

KP
To

1. The Metropolitan Magistrate
Fast Track Court III,
Saidapet, Chennai.
2. The Public Prosecutor,
High Court, Madras

CRL.O.P No.3369 of 2021

AAB (CO)
SP(12/03/2021)

सत्यमेव जयते

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