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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P No.8658 of 2018

and

Crl.M.P No.4478 of 2018

1. Krishnakumari

2. Viswanathan

... Petitioners

Vs.

State Represented by
The Inspector of Police,
D4, Kuniyamuthur Police Station,
Coimbatore-641 008. (Crime No.218/16)

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in S.T.C.No.504 of 2016 on the file of the learned VII Judicial Magistrate Coimbatore and quash the same.

For Petitioners : Mr.P. Ananda 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) and 506(i) of I.P.C

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 petitioner shall be present before the Court below for receiving copies under Section 207 of Cr.P.C, for framing of charges, 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 S.T.C.No. 504 of 2016 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 Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 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 petitions is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

smn

To

1. The Judicial Magistrate VII,
Coimbatore
2. The Inspector of Police,
D4, Kuniyamuthur Police Station,
Coimbatore-641 008.
3. The Public Prosecutor,
High Court, Madras

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SMI (CO)
CT(20/09/2021)