

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.O.P.No.4868 of 2018
and Crl.M.P.Nos.2417 and 2418/2018**

1.S.Gunasekar
2.S.Chandra Sekar
3.S.Gnana Sekar

... Petitioners

Vs.

1.State rep.by
The Inspector of Police,
E-5, Foreshore Estate Police Station,
Foreshore Estate,
Chennai.

2.S.Syed Sajid

... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records in connection with C.C.No.1209 of 2015 which is pending on the file of the XXII Metropolitan Magistrate, Saidapet at Chennai and quash the same.

For Petitioners : Mr.S.Kingston Jerold

For RR1 : Mr.A.Gopinath

Government Advocate (Crl.Side)

ORDER

The petitioners have filed this petition seeking to call for the records in connection with C.C.No.1209 of 2015, which is pending on the file of the XXII Metropolitan Magistrate, Saidapet at Chennai and quash the same.

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 petitioner to raise all the grounds before the Court 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.It is now represented by the learned counsel appearing for the petitioners that without going into the merits of the case, it would suffice, if this Court issues direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with.

4.In view of the above, this Court directs the learned XXII Metropolitan Magistrate, Saidapet at Chennai to expedite the trial in C.C.No.1209 of 2015 and complete the same, within a period of six months from the date of receipt of a copy of this order. The appearance of the petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

5.With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

सत्यमेव जयते

08.07.2021

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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M.DHANDAPANI,J.
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To

1. The XXII Metropolitan Magistrate,
Saidapet, Chennai
2. The Inspector of Police,
E-5, Foreshore Estate Police Station,
Foreshore Estate,
Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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