

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.3977 of 2018

and

Crl.M.P.No.1842 of 2018

1. Rajesh
2. Anburaj
3. Muralikrishnan
4. Krishnamoorthy
5. Arivali
6. Kannadasan
7. Thiagarajan
8. Jayapal
9. Suresh Kumar
- 10.Ashok Kumar

... Petitioners/Accused

Vs.

1. State by
The Inspector of Police,
Hasthampatti Police Station,
Salem District.
(Cr.No.630 of 2007)
2. Mr.Radhakrishnan
The Inspector of Police
Kannankurichi Police Station,
Salem District.

... Respondents/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records and quash the proceedings/charge sheet in PRC.No.30 of 2008 pending on the file of the Judicial Magistrate No.III at Salem.

For petitioners : M/S.C.Vijayakumar

For respondent R1 : Mr.C.E.Pratap
Government Advocate

O R D E R

The petitioners have filed this petition seeking to call for the records and quash the proceedings/charge sheet in PRC.No.30 of 2008 pending on the file of the Judicial Magistrate No.III at Salem.

2. Though several grounds have been raised by the learned counsel for the petitioners, however, this Court is of the opinion the issue is a triable issue and 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 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 represented by the learned counsel appearing for the petitioners that this Court may issue a 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. Accordingly, this petition is disposed of directing the trial court to dispose of PRC.No.30/2008 as expeditiously as possible as per seniority of the case. The petitioners and respondents are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioners, their appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioners is necessary, the trial court, at its wisdom, shall direct their appearance on

those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Hasthampatti Police Station,
Salem District.
2. The Inspector of Police
Kannankurichi Police Station,
Salem District.
3. The Judicial Magistrate No.III,
Salem
4. The Public Prosecutor,
High Court of Madras, Chennai 600 104.

+2ccs to Mr.C.Vijayakumar, Advocate, S.R.No.52503, 52707

Cr1.O.P.No.3977 of 2018

SVI(CO)
SU(17/11/2021)