

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

Coram

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4367 of 2021
and Crl.M.P.Nos.2812 & 2813 of 2021

1. R.Prakash

2. P.vijayalakshmi ...Petitioners/Accused No.2 & 3

Versus

1. The Inspector of Police,
Shevapet Police Station,
Salem. ... Respondent/Complainant

2. D.K.Ravikumar ... Respondent/Defacto Complainant

This Criminal Original Petition is filed under Section 482 of Criminal Procedure Code praying to call for the records in PRC.No.22 of 2019 pending on the file of the learned Judicial Magistrate, Additional Mahila Court, Salem and quash the proceedings.

For Petitioners :Mr.S.Jeyakumar

For Respondent :Mr.C.Raghavan R1
Government Advocate
(Crl. Side)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 498(A) and 304(b) of IPC and Section 4 of Dowry Prohibition Act, 1961.

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 are 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 judgment.

4. Accordingly, this Criminal Original Petition is disposed of. The Court below is directed to commit the proceedings before the concerned Court within a period of four weeks from the date of receipt of a copy of this order. The trial Court shall complete the proceeding in PRC.No.22 of 2019 within a period of four months thereafter. 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 petitioners adopt 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 VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Additional Mahila Court, Salem.
2. The Inspector of Police,
Shevapet Police Station,
Salem.
3. The Public Prosecutor,
High Court of Madras.

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