

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 12.03.2021
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4672 of 2021
and
Crl.M.P Nos.2986 & 2987 of 2021

1.Mohammed Wasim
2.Rajiya Banu
3.Kalikullah

...Petitioners

Vs.

1. State By
Inspector of Police,
All Women Police Station,
Ranipet, Ranipet District.
Crime No.7 of 2018

2. Shahul Hameed

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in C.C.No.6 of 2019 on the file of the learned Judicial Magistrate No.1, Ranipet and quash the same.

For Petitioners : Mr.Hasan Mohamed Jinnah

For Respondents : Mr.Mohammed Riyaz
Additional Public Prosecutor
for 1st respondent

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 498-A, 324, 406, 506(i) and 326 IPC and Section 4 of TNPHW Act and Section 4 of Dowry Prohibition Act.

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 only insofar as the 2nd and 3rd petitioners are concerned 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 judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.445 of 2018 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 petitioners 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 are also closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Judicial Magistrate No.1,
Ranipet.
2. The Inspector of Police,
All Women Police Station,
Ranipet, Ranipet District.
3. The Public Prosecutor,
High Court, Madras.

CRL.O.P No.4672 of 2021
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PMK (CO)
CSR 09.04.2021