

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5849 of 2021
and Crl.M.P Nos.3779 & 3781 of 2021

1.Kannan

2.Selvi @ Manikka Selvi

3.Sathyakrishnan @ Gowtham ... Petitioners/Accused

Vs.

State by

1.The Inspector of Police,
Edapadi Police Station,
Edapadi, Salem District. ...1st Respondent/Complainant
(Crime No.513 of 2020)

2.Akila ...2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to Call for the entire records concerned in C.C.No.230 of 2020 on the file of the District Munsif Cum Judicial Magistrate, Edapadi, Salem District and quash the same insofar as the petitioners are concerned.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Mohammed Riyaz
Additional Public Prosecutor
for R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 294(b), 323, 324 and 354 IPC.

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 is dispensed with only insofar as the 2nd petitioner and she shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The 2nd petitioner 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.230 of 2020 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 closed.

Sd/-
Assistant Registrar(CS-VII)

//True copy//

Sub Assistant Registrar

ssr

To

1. The District Munsif Cum Judicial Magistrate,
Edapadi, Salem District.
2. The Inspector of Police,
Edapadi Police Station,
Edapadi, Salem District.
3. The Public Prosecutor,
High Court, Madras.

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