



Crl.O.P.No.19030 of 2018

WEB CO **M.DHANDAPANI,J.**

This petition is listed today under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioners.

2. Learned counsel appearing for the petitioners submitted that though this Court, vide order dated 04.10.2021 had disposed of the Criminal Original Petition, however, it appears that inadvertently different order has been uploaded in the Website instead of the originally typed order and also received the original order. Therefore, he prays that necessary correction be incorporated in the said order and fresh order copy be issued.

3. In such a scenario, this Court, in order to ascertain the order that was passed on the said day, caused enquiries with the concerned staff, which revealed that inadvertently wrong order has been uploaded.

4. In such circumstances, this Court is of the considered opinion that paragraphs 2 to 4 of the said order requires to be replaced with the following

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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 S.T.C.No.369 of 2018 as expeditiously as possible as per seniority of the case. The petitioners and respondent 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 petitioner, his 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.

5. This Criminal Original Petition is clarified accordingly.

17.03.2022

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Note:Registry is directed to carryout necessary corrections and re-issue fresh order copy to the parties concerned.



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