



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P No. 5094 of 2017
and Crl.M.P No.3787 of 2017

K.Murugan

... Petitioner

Versus

R. Sridevi

... Respondent

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to withdraw M.C.No. 3 of 2014 pending on the file of the Additional Family Court, Cuddalore and transfer the same to be tried and disposed of jointly along with FCOP.No.16 of 2017 pending on the file of the Family Court, Vellore.

For Petitioner : M/S. Pass Associates

For Respondent : Mr.B.Harikrishnan

ORDER

This petition has been filed to withdraw M.C.No. 3 of 2014 pending on the file of the Additional Family Court, Cuddalore and transfer the same to be tried and disposed of jointly along with FCOP.No.16 of 2017 pending on the file of the Family Court, Vellore.

2. The grounds raised by the counsel for the petitioner are all factual in nature 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 petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. Hence, this Court is not inclined to interfere with the proceedings pending before the Court below.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he shall be



represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The 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 M.C No.3 of 2014 and FCOP.No.16 of 2017 within a period of six 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 (Cr1) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner 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 petition is also closed.

Sd/-
Assistant Registrar(CO-VIII)

//True Copy//

Sub Assistant Registrar

msm

To

1. The Additional Family Court, Cuddalore.
2. The Family Court, Vellore.
3. The Public Prosecutor, High Court, Madras.

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and
Cr1.M.P No.3787 of 2017

PCH (CO)
CT(11/08/2021)