



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.12.2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.10874 of 2017

&

Crl.M.P.Nos.7170 & 7171 of 2017

Mr.R.Pradeep Kumar

... Petitioner/Accused 7

Versus

1. State rep. by
The Inspector of Police
Vaniambadi Town Police Station
Vellore District

2. M.Sivasakthivel

... Respondents

(second respondent suo motu impleaded
vide order of this Court dated 29.06.2017 by RMDJ)

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records and quash the proceedings against the petitioner/7th accused in C.C.No.15 of 2015 on the file of the Munsif-cum-Judicial Magistrate, Vaniambadi, Vellore District.

For Petitioner ... Mr. K.Mohanamurali

For Respondent ... Mr.R.Kishore Kumar
Government Advocate (Crl.side)
Mr.N.Baskaran for R2

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.15 of 2015 on the file of District Munsif-cum-Judicial Magistrate, Vaniambadi, Vellore District

2. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.side) appearing on behalf of the first respondent and the learned counsel for the second respondent.

3. Though this petition has been filed to quash the proceedings before the trial Court, it is submitted by learned



counsel for the second respondent/de facto complainant that the witnesses have already been examined by the trial Court and the matter is now posted for examination of Investigating Officer. It is also submitted by the learned counsel for the respondent that even when one of the witnesses deposed in English, the counsel for the accused fought with the Judicial Magistrate for giving the translation of the deposition. Such conduct of the lawyer is highly deprecated. The lawyers should know the basic English and fighting with the Judicial officers for trivial issues cannot be condoned.

4. In such view of the matter, as the trial Court has already commenced trial and substantial part of witnesses have already been examined, it is within the domain of the trial Court to appreciate the evidence tendered before it and find out whether the charges have been proved or not and the present Criminal Original Petition is liable to be dismissed.

Accordingly, this Criminal Original Petition is dismissed. However, the trial Court is directed to dispose of the case as expeditiously as possible without further delay. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The District Munsif-cum-Judicial Magistrate
Vaniambai, Vellore District
2. The Inspector of Police
Vaniambadi Town Police Station
Vellore District
3. The Public Prosecutor
Madras High Court
Chennai

+1cc to Mr.N.Baskaran, Advocate, S.R.No.65773

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PM(CO)
CT 20/01/2022