

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.1679 of 2017
and
Crl.M.P Nos.1205 & 1206 of 2017

MageswaranPetitioner/Accused 1

Vs.

The State rep.by
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore.Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to PRC No.24 of 2016, on the file of the Judicial Magistrate No.VII at Coimbatore and to quash the same.

For Petitioners: Mr.J.Venugopal
For Respondent : Mr.C.Raghavan
Government Advocate
for 1st respondent

ORDER

This petition has been filed seeking to call for the records in PRC No.24 of 2016, on the file of the Judicial Magistrate No.VII at Coimbatore, and to quash the same.

2. The grounds raised by the learned counsel for the petitioner 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 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. This Court is not inclined to interfere with the proceedings pending before the Court below.

3 Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to commit the case

in PRC No.24 of 2016, within a period of two months from the date of receipt of a copy of this order to the concerned Sessions Court and the trial Court shall complete the proceedings within a period of three months thereafter. The trial shall be conducted on a day to day basis in accordance with the guidelines given by the Hon'ble Supreme Court in Vinod Kumar v. State of Punjab reported in [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 v. Shambhu Nath Singh and Others reported in (JT 2001 (4) SC 3191). Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

- 1.The Judicial Magistrate No.VII,
Coimbatore.
- 2.-do- thro The Chief Judicial Magistrate,
Coimbatore.
- 3.The Inspector of Police,
Chettipalayam Police Station,
Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.1679 of 2017

AD(CO)
RMP(19/02/2021)

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