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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. Nos.28614 of 2017
and Crl.M.P.Nos.16208 and 16209 of 2017

R.Kishor Kumar

...Petitioner

Vs.

1.The State

Rep. By the Inspector of Police,
G1, Vepery Police Station
Chennai - 600007

2.Mr.Durairajan @ R.D.Rajan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the charge sheet filed in C.C.No.6306 of 2017 on the file of the II Metropolitan Magistrate, Egmore (now at Allikulam Complex, Chennai - 600 003).

For Petitioners : Mr.T.Thiageswaran
for M/s.Waraon and Sai Rams

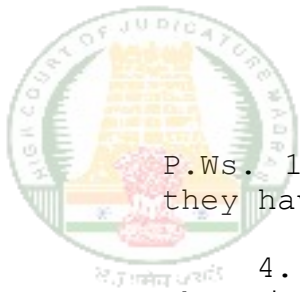
For Respondents : Mr.R.Kishore Kumar
Govt.Advocate(crl.side) for R1
Mr.K.Balasubramaniam for R2

ORDER

The Criminal Original Petition has been filed to call for the records and quash the charge sheet filed in C.C.No.6306 of 2017 on the file of the II Metropolitan Magistrate, Egmore (now at Allikulam Complex, Chennai - 600 003) for the offences under sections 294(b) and 506(i) of I.P.C

2. The case of the prosecution is that while demanding repayment of certain amount payable by the accused to the defacto complainant, the accused with the help of henchmen made a threat. Thereby, he committed the aforesaid offences.

3. Though it is argued by the learned counsel for the petitioner that there is no material available on record to proceed against the accused, the learned counsel appearing for the defacto complainant brought to the notice of the Court that



P.Ws. 1 to 3 were already examined before the Trial Court and they have not been cross examined by the other side.

4. In view of the above, this Court is of the view that when the witnesses are already examined, evidence to be appreciated by Trial Court. It is the domain of the Trial Court to appreciate the evidence and decide the issue on materials. This Court while exercising its power under Section 482 of Cr.P.C., cannot conduct a roving enquiry or decide or probe into the evidence at this stage, which have to be gone into only during the trial. Such being the position, this Criminal Original Petition is dismissed with a direction to the Trial Court to dispose of the main case within a period of three(3) months from the date of receipt of a copy of the order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nr/msv

To

1. The Inspector of Police,
G1, Vepery Police Station
Chennai - 600007
2. The II Metropolitan Magistrate,
Allikulam Complex,
Chennai - 600 003
3. The Public Prosecutor,
High Court, Madras.

Crl. O.P. Nos.28614 of 2017
and Crl.M.P.Nos.16208 and 16209 of 2017

SS(CO)
CT 06/01/2022