

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.22867 of 2018 and
Crl MP Nos.12730 and
12731 of 2018

1.Manokar
2.Lakshmi

...Petitioners

Vs.

1. State Rep. By
The Inspector of Police,
Thiruvainallur Police Station,
Villupuram District.
(Cr.No.111 of 2018)

2. Sathiyamoorthy

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in Spl.S.C.No.30 of 2018 on the file of the Special Sessions Court for SC/ST cases, Villupuram and quash the same in respect of the petitioners concerned.

For Petitioner : Mr.B.Kumarasamy

For RR1 : Mr.C.E.Pratap
Government Advocate (Crl.Side)

O R D E R

The petitioners have filed this petition seeking to call for the entire records in Spl.S.C.No.30 of 2018, on the file of the Special Sessions Court for SC/ST cases, Villupuram and quash the same.

2. Though several grounds have been raised by the learned counsel for the petitioner, 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 Spl.S.C.No.30/2018 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.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

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To

1. The Special Sessions Court for SC/ST cases,
Villupuram.
2. The Inspector of Police,
Thiruvainallur Police Station,
Villupuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Kumarasamy, Advocate, S.R.No.50216

CrI.O.P.No.22867 of 2018

SSV[co]
NSK 17/11/2021