



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.05.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P No.11384 of 2022

and

Cr1.M.P No.6567 of 2022

K.Veerappan

...Petitioner/Accused No.14

Vs.

1. The State Rep. By
Inspector of Police,
Sozatharam Police Station
Cuddalore District
(Crime No.206 of 2017)

..1st respondent/Complainant

2. Jambulingam D.

..2nd respondent /Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to the charge sheet filed in S.T.C.No.93 of 2018 pending trial on the file of the learned District Munsif-cum-Judicial Magistrate, Kattumannarkoil, quash the same.

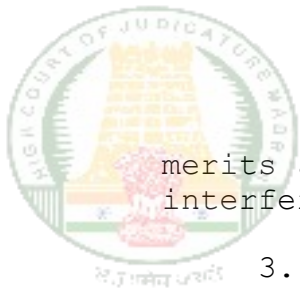
For Petitioner : Mr.L.Ramanathan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
for 1st respondent

O R D E R

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 147, 341, 294(b) and 353 IPC.

2. The grounds raised by the 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. 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 S.T.C.No.93 of 2018 and pass final judgment as expeditiously as possible and which shall not be later than four 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 closed.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

KST

To

1. The District Munsif-cum-Judicial Magistrate,
Kattumannarkoil
2. The Public Prosecutor,
High Court, Madras

+1cc to Mr.L.Ramanathan, Advocate, S.R.No.31980 (20/06/2022)

Cr1.O.P No.11384 of 2022

and Cr1.M.P No.6567 of 2022

NMI (CO)

SU(26/05/2022)