



Crl.O.P.(MD)No.20740 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.20740 of 2018

and

CRL.M.P.(MD)Nos.9585 and 9586 of 2018

Palanisamy

... Petitioner/Accused No.1

Vs.

1.The State rep by
The Sub Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
(Crime No.203 of 2015)

... Respondent/Complainant

2.Murugesan

... Respondent/Defacto

Complainant

PRAYER : Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in C.C.No.251 of 2016 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli District and quash the same as against the petitioner.



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For Petitioner : Mr.R.Anand
For Respondents : Mr.M.Sakthikumar, - for R1
Government Advocate (Crl. side)
:Mr.C.Saravanan-for R2

ORDER

This petition has been filed challenging the proceedings in C.C.No.251 of 2016, pending on the file of the Judicial Magistrate, Ambasamudram, Tirunelveli District.

2.Heard Mr.R.Anand, learned counsel appearing for the petitioner, Mr.M.Sakthi Kumar, learned Government Advocate (Crl. side), appearing for the State and Mr.C.Saravanan, learned counsel appearing for the second respondent.

3. 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.



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4. 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 or on the next hearing date, after they are examined in Chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall be present before the Court below as and when directed by the Court below and shall be present at the time of questioning under Section 313(1)(b) Cr.P.C and at the time of passing of the final judgment.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.251 of 2016 within a period of 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 (Crl) 288 SC]***. If the petitioner adopts any dilatory tactics, it is open to the



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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 petitions are also closed.

11.11.2022

Index: Yes/No

Internet: Yes/No

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To

- 1.The Judicial Magistrate,
Ambasamudram,
Tirunelveli District.
- 2.The Sub Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

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