



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16239 of 2023
and Crl.M.P.No.10251 of 2023

1.Tmt.Malarkodi

2.B.Padmanaban

3.A.Sampath Kumar

4.B.Loganathan

...Petitioners

Vs

1.The State rep. by: The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai – 600 062.
(Crime No.304 of 2011)

2.K.N.Sakthivel

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records made in C.C.No.116 of 2021 on the file of Judicial Magistrate No.II, Poonamallee and quash the same.



For Petitioners : Mr.R.Sankarasubbu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 465, 468 and 471 of IPC.

2. 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 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 with a direction to the Court below to complete the proceedings in C.C.No.116 of 2021 on the file of Judicial Magistrate No.II, Poonamallee, 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 petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners 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.

21.07.2023

Index : Yes/No
Speaking order: Yes/No
ssr

To

- 1.The Judicial Magistrate No.II, Poonamallee.
- 2.The Inspector of Police,
Thirumullaivoyal Police Station,
Chennai – 600 062.
- 3.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSI

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