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Criminal Original Petition No.16781 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Criminal Original Petition No.16781 of 2023

and

CrI.M.P.No.10794 of 2023

1.Muralitharan

S/o.Venkadasubramaniam

2.Yohan

S/o.Kattan

... Petitioners

vs.

1.State represented by

The Inspector of Police,
Pathirivedu Police Station,
Thiruvallur District.

2.Meera Devi

W/o. (Late) Ramesh Kumar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records pertaining to C.C.No.381 of 2019 on the file of Judicial Magistrate, Gummidipoondi and quash the same as illegal, incompetent and without jurisdiction by allowing the present petition.

For Petitioners : Mr.D.Sreenivasan

For Respondents : Mr.A.Damodaran

Additional Public Prosecutor [R1]



ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.381 of 2019 on the file of Judicial Magistrate, Gummidipoondi.

2. The grounds raised by learned counsel for 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. Learned counsel for petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners shall be present before the Court below as and when required and at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.



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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.381 of 2019 within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

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 adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them to custody as per the judgment of the Hon'ble Supreme Court in ***State of Uttar Pradesh v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.

28.07.2023

Index : Yes/No

Speaking Order/Non-Speaking Order

Neutral citation : Yes/No

gm

To

1.The Judicial Magistrate,
Gummidipoondi.

2.The Inspector of Police,
Pathirivedu Police Station,
Thiruvallur District.

3.The Public Prosecutor,
High Court, Madras.



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