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Crl.O.P.No.21461 of 2014

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.21461 of 2014

1. Santhakumari
2. Vanisree
3. Gowthama Devar
4. Lakshmi Narayanan
5. Anantharaman
6. Vijayakumar

... Petitioners

Vs.

1. The Inspector of Police,
Velipalayam Police Station,
Incharge of Special Cell,
Anti Land Grabbing Special Cell,
Nagapattiam.
Cr. No.7 of 2012.

2. Mohammed Qutubuddin

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the records relating to the charge sheet in CC.No.61/2014 on the file of the Judicial Magistrate-I, Nagapattinam and quash the same.

For Petitioner : Mr.V.Parthiban P1,P3 to P6
Mr.Vinoba Gandhi P2

For Respondent : Mr.L.Baskaran, GA (Crl side) R1
Mr.A.S.Baalaji R2



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COMMON ORDER

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The petitioners have filed this petition seeking to call for the entire records in CC.No.61/2014 on the file of the Judicial Magistrate-I, Nagapattinam 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



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4. The learned counsel for the petitioner further submitted that during pendency of this petition, the first petitioner passed away.

5. Accordingly, this petition is dismissed as abated in respect of the first petitioner and in respect of the other petitioners, this petition is disposed of directing the trial court to dispose of **C.C. No.61/2014 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, **their 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.**



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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The Inspector of Police,
Velipalayam Police Station,
Incharge of Special Cell,
Anti Land Grabbing Special Cell,
Nagapattiam.
2. The Judicial Magistrate-I, Nagapattinam.
3. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI,J.

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