



1 of 4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.18156 of 2023
and Crl.MP.Nos.12041 and 12042 of 2023

1.Annamalai @ Baskar (A-56)
S/o.Mr.Selvaraj

2.Sivachandiran (Age-31)
S/o.Annamalai @ baskar

3.Viji @ Parvathy (Age-51)
W/o.Annamalai

.. Petitioners/Accused 1 to 3

.VS.

1.The State rep.by the
Inspector of Police
Grand Bazar Police Station
Pondicherry.

.. Respondent/Complainant

2.Prabhavathy
W/o.Vaithyanathan

..Respondent/De facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in PRC No.32 of 2021 (charge sheet no.14/2021) pending on the file of the learned Judicial Magistrate II, Puducherry and quash the same.

For Petitioner : Mr.B.Balavijayan

For Respondent : Mr. M.V.Ramachandramurthy
Additional Public Prosecutor (P)
for R1



ORDER

This petition has been filed seeking to quash the proceedings in PRC.No.32 of 2021, pending on the file of the learned Judicial Magistrate II, Puducherry.

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.The learned counsel for the 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. All the petitioners shall be present before the Court on the date of first hearing before the Sessions Court, on the date of framing of charges u/s.228 Cr.PC., on the date of questioning u/s.313 Cr.PC., and at the time of the final judgment. That apart, the 1st and 2nd petitioners shall also be present before the Court below as and when required.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in PRC No.32 of 2021, pending on the file of the learned Judicial Magistrate II, Puducherry within a period of six months



3 of 4

from the date of receipt of 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 (CrI) 288 SC]**. If the petitioner 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 petitions are also closed.

25.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kp

To

1. Inspector of Police
Grand Bazar Police Station
Pondicherry.

2. The Judicial Magistrate II,
Puducherry.

3. Public Prosecutor
Pondicherry.



WEB COPY



4 of 4

N. ANAND VENKATESH,, J.
kp

Crl.OP.No.18156 of 2023

25.08.2023