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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.15178 of 2023
and
Crl.M.P No.9607 of 2018

R.Ramasamy

...Petitioner

Vs.

Kumar

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in STC No.8 of 2021 on the file of Judicial Magistrate Court, Thiruvapur, Thiruvapur District.

For Petitioner : Mr.S.Kumar Sankar

ORDER

This petition has been filed challenging the proceedings



initiated by the respondent against the petitioner in STC No.8 of 2021.

2. 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.

3. The learned counsel for the petitioner submitted that the petitioner and the respondent are known to each other from their childhood and there is a possibility of compromise between the parties. In view of the same, the learned Magistrate shall refer the parties for mediation. If the parties are able to



compromise the dispute, it shall be recorded and the case itself can be closed. If not, the learned Magistrate can proceed further in accordance with law.

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, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in STC No.8 of 2021 within a period of four months from the date



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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 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 petition is closed.

11.07.2023

Index: Yes/No
Internet: Yes/No
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To

1. The Judicial Magistrate Court, Thiruvavarur, Thiruvavarur District
2. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH.J.,

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