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[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.14994 & 15017 of 2023
and Crl.M.P Nos.9314 & 9329 of 2023

Manivannan

Petitioner
in both Crl.O.Ps

vs.

1.The State rep. by its
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No.250 of 2022)

2.Mrs.Lakshmi

Respondents
in Crl.O.P.No.14994 of 2023

1.The State rep. by its
The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
(Crime No.248 of 2022)

2.Mrs.Devi

Respondents
in Crl.O.P.No.15017 of 2023

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in respect with the C.C.No.3 of 2022 and C.C.No.5 of 2022 respectively, for the allege offence under Section 147, 148, 294(b), 324, 323, 354 and 506(ii) of IPC on the file of the Judicial Magistrate, Sirkazhi and quash the charge sheet.



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For Petitioner : Ms.C.V.Salin Nisha
in both Crl.O.Ps

For Respondents : Mr.A.Damodaran
in both Crl.O.Ps Additional Public Prosecutor for R1

COMMON ORDER

These petitions have been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 147, 148, 294(b), 323, 324, 354 and 506(ii) of IPC.

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.There is a case and counter and the respondent police had investigated three FIRs in Crime Nos.248, 249 and 250. On completion of investigation, the respondent police found that there are materials to file a final report in all the three cases. Hence, final report was filed in all the three cases and it has been



taken on file by the Court below. Under such circumstances, the case has to be proceeded further in line with the judgment of the Apex Court in ***Nathi Lal and others vs. State of Uttarpradesh and another*** reported in ***1990 (Supp) SCC 145***. Hence, there is no question of entertaining these criminal original petitions.

4. Accordingly, both the criminal original petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

5. 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.

6. 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



N. ANAND VENKATESH., J.

SSR

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)***.

06.07.2023

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

To

- 1.The Judicial Magistrate,
Sirkazhi.
- 2.The Inspector of Police,
Sirkazhi Police Station,
Mayiladuthurai District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P Nos.14994 & 15017 of 2023
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