



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19005 of 2023
and Crl.M.P.Nos.12726 & 12727 of 2023

1.Jaikar

2.Sujai

... Petitioners

Vs.

1.The State Rep. by
The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
(Crime No.416 of 2021)

2.Rajammal

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.15 of 2022, on the file of the learned District Munsif-cum-Judicial Magistrate, Pennagaram, Dharmapuri District and quash the same.

For Petitioners : Mr.S.Saravana Kumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER



This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 294(b), 323 and 325 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. The learned Government Advocate submitted that there was a case and counter in Crime No.416 of 2021 and Crime No.417 of 2021. Both the FIRs were investigated and final report has been filed in both the cases. Insofar as Crime No.416 of 2021 is concerned, the same is pending in C.C.No.15 of 2022. Insofar as Crime No.417 of 2021 is concerned, the same is pending in C.C.No.137 of 2022 before the same Court.

4. In view of the above submission made by the learned Government Advocate, both the cases will have to be tried in line with the judgment of the Apex Court in ***Nathilal and others vs. State of Uttarpradesh and another*** reported in ***1990 (Supp) SCC***



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3. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.15 of 2022 & C.C.No.137 of 2022 on the file of learned District Munsif-cum-Judicial Magistrate, Pennagaram, Dharmapuri District, within a period of three months from the date 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 petitions are closed.

24.08.2023

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

N.ANAND VENKATESH, J



SSR

To
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- 1.The District Munsif-cum-Judicial Magistrate,
Pennagaram, Dharmapuri District.
- 2.The Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court, Madras.

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