



Criminal Original Petition No.15776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15776 of 2023

and

Crl.M.P.Nos.9980 and 9982 of 2023

Singaravelan
S/o.Pachiyappan

...Petitioner

Vs

State represented by
1.The Inspector of Police,
Steel Plant Police Station,
Salem City.
Crime No.225 of 2022

2.Rajaganapathi
S/o.Rajamuthu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the entire records in connection with C.C.No.673 of 2023, on the file of the Judicial Magistrate I, Salem and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER



WEB COM This petition has been filed challenging the proceedings initiated by the second respondent against the petitioner under Sections 147, 148 and 324 IPC.

2. The grounds raised by learned counsel for 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. Learned counsel for 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 judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a



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direction to the Court below to complete the proceedings in C.C.No.673 of 2023 within a period of six (6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

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 v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.

19.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J



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gm

WEB COPY To

- 1.The Judicial Magistrate I,
Salem.
- 2.The Inspector of Police,
Steel Plant Police Station,
Salem City.
- 3.The Public Prosecutor,
High Court, Madras.

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