



Crl.O.P.No.17224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.17224 of 2023

and

Crl.M.P.Nos.11116 & 11119 of 2023

1.Muthammal @ Muthulakshmi
2.Ambika

.. Petitioners

Vs.

1.State Rep by Inspector of Police,
Sankagiri Police Station,
Salem – District.
(Crime No:240 of 2021)

2.Kandasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records of the case in S.T.C.No.768 of 2021 on the file of Learned Judicial Magistrate Court-I, Sankagiri, quash the same.

For Petitioners : Mr.B.Vetrivel

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
(For R1)



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ORDER

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This petition has been filed to quash the case in S.T.C.No.768 of 2021 on the file of Learned Judicial Magistrate Court-I, Sankagiri.

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.

3. The learned Additional Public Prosecutor brought to the notice of this Court that the charges were framed and the trial has commenced. P.W.1 has already been examined. It was further submitted that the case is now posted for the examination of L.W.2 to L.W.4 on 16.08.2023.

4. In view of the above development, there is no scope for this Court to interfere with the proceedings at this stage.



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5. 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 are 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. The petitioners 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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.T.C.No.768 of 2021 within a period of six 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 petitioners adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH***



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VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). No costs.

Consequently, connected miscellaneous petitions are also closed.

04.08.2023

Speaking order: Yes/No
Neutral citation: Yes/No
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To

- 1.The Learned Judicial Magistrate Court-I,
Sankagiri,
- 2.The Inspector of Police,
Sankagiri Police Station,
Salem – District.
(Crime No:240 of 2021)
- 3.The Public Prosecutor
High Court of Madras,
Madras.



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N.ANAND VENKATESH, J

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