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Crl.O.P.No.17157 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.17157 of 2023

and

Crl.M.P Nos.11038 & 11039 of 2023

Selvam

... Petitioner

Vs.

1. The State Represented by
Inspector of Police,
Cantonment Police Station,
Coimbatore - 641 001.

2. Muthu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for record and quash the complaint now pending before the District Munsif Cum Judicial Magistrate, Annur, in C.C.No.556 of 2019 now renumbered as C.C.No.43 of 2023 for the alleged offenses under Section 288 read with Section 304A of the IPC.



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For Petitioner : Mr.Aravind Subramaniam,
Senior Counsel for
M/s.R.Johnsi Rani
For R1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 288 r/w. Section 304 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 counsel for the petitioner requested this Court to



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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 C.C.No.43 of 2023 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***



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Consequently, connected miscellaneous petitions are also closed.

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To

1. The District Munsiff Cum Judicial Magistrate,
Annur.
2. The Inspector of Police,
Cantonment Police Station,
Coimbatore - 641 001.
3. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH, J

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