



WEB COPY



CrI.O.P.No.18527 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18527 of 2023

and

CrI.M.P.No.12327 of 2023

- 1.Dhanagomathi
- 2.S.Sumithra
- 3.K.Annakili

...Petitioners

vs.

- 1.The State rep by
The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District 607 102

- 2.Mahalakshmi

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in charge sheet No.43 of 2023 on pending trial in the Court of Judicial magistrate I, Cuddalore for alleged offence under Section 147, 294(b), 323, 324 and 506 of IPC and quash the same.

For Petitioner : Mr.V.Rajasekar

For Respondent : Mr.A.Gopinath,
Government Advocate for R1



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ORDER

This Criminal Original Petition has been filed to call for the records in charge sheet No.43 of 2023 on pending trial in the Court of Judicial magistrate I, Cuddalore for alleged offence under Section 147, 294(b), 323, 324 and 506 of IPC and quash the same.

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. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. 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 is dispensed with and he shall appear before the Court below as and when required by the Court below and during all the other times, they shall be permitted to be represented by the counsel. The petitioners shall be present before the Court



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below at the time of framing charges under Section 240 of the CrPC and at the time of questioning under Section 313 of CrPC and also at the time of final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in Charge Sheet No.43 of 2023 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 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 petition is also closed.

18.08.2023

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



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N. ANAND VENKATESH, J.

nsa

To

- 1.The Judicial magistrate I,
Cuddalore.
- 2.The Inspector of Police,
Naduveerapattu Police Station,
Cuddalore District 607 102
3. The Public Prosecutor,
Madras High Court,
Chennai 600 104..

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