



CrI.O.P.No.18437 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.18437 of 2023

and

CrI.M.P.No.12266 of 2023

1.Nageshwararao
S/o.Subramani

2.Sudhakar
S/o.Munusamy

... Petitioners

Vs.

1.State represented by
The Sub-Inspector of Police,
Manalurpet Police Station,
Thirukoilur Taluka,
Kallakurichi District.
Crime No.60 of 2020

2.Babu

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in C.C.No.65 of 2020 on the file of
Judicial Magistrate, Thirukoilur and quash the same.

For Petitioners : Mr.C.Prabhu

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]



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ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.65 of 2020 pending on the file of Judicial Magistrate, Thirukoilur.

2. The grounds raised by learned counsel for 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. Learned counsel for 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 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 appear before the Court below as and when required. That apart, the petitioners shall be present before the Court



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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 direction to the Court below to complete the proceedings in C.C.No.65 of 2020 within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is 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 petitioners adopt 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 v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.

18.08.2023

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

gm



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N.ANAND VENKATESH, J

gm

To

- 1.The Judicial Magistrate,
Thirukoilur.
- 2.The Sub-Inspector of Police,
Manalurpet Police Station,
Thirukoilur Taluka,
Kallakurichi District.
Crime No.60 of 2020
- 3.The Public Prosecutor,
Madras High Court.

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