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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.18231 of 2023

and

Crl.M.P Nos.12106 and 12107 of 2023

1.N.Karthik

...Petitioner

Vs.

1.The State Represented by
The Inspector of Police,
Roshanai,
Tindivanam.
(Crime No.1431 of 2020)

2.Devi

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to C.C.No.104 of 2021 on the file of the Judicial Magistrate No.I, Tindivanam, quash the same.

For Petitioner

: Mr.A.Saravanan

For Respondents

: Mr.A.Gopinath for R1

Government Advocate (Crl. Side)



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 294(b), 323 and 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

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. The Learned Government Advocate submitted that already three witnesses have been examined on the side of prosecution and the case is posted for examination of LW4 to LW6 on 29.08.2023. This is yet another ground for not interfering with the final report at this stage.



4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.104 of 2021, within a period of four 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 petitions are also closed.

21.08.2023

Index: Yes/No
Internet: Yes/No
rka/mkn-ii



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To

1. The Judicial Magistrate No.1,
Tindivanam.

2. The Inspector of Police,
Roshanai,
Tindivanam.

3. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH.J.,

rka/mkn-ii

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