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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.18603 of 2023

and

Crl.M.P Nos.12377 and 12378 of 2023

1.Clement Dominic

2.Magdalene Clipitha

3.Thirisasunitha

...Petitioners

Vs.

1.The State Represented by
The Inspector of Police,
District Crime Branch,
Nilgiris. (Crime No.11 of 2022)

2.Abraham

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records of the Impugned proceedings pending in C.C.No.94 of 2023 on the file of the Learned Judicial Magistrate, Coonoor and quash the same.



For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)

ORDER

This petition has been filed challenging the proceedings in CC No.94 of 2023 on the file of the learned Judicial Magistrate, Coonoor.

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. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in CC No.94 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 petitions are closed.

21.08.2023

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

To

1. The Judicial Magistrate,
Coonoor.
2. The Inspector of Police,
District Crime Branch,
Nilgiris.
3. The Public Prosecutor,
High Court, Madras



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N.ANAND VENKATESH.J.,

rka/mkn-ii

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