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CrI.O.P.No.19143 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.19143 of 2023

and

CrI.M.P.No.12864 of 2023

K.Jayakandan

...Petitioners

vs.

1.The Station House Officer,
D.Nagar Police Station,
Gorimedu, Puducherry,
(Crime No.188/2022)

2.T.Udayanarayanan

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the Spl.S.C.No.183 of 2023 on the file of the Sessions Judge, Fast Track Court (POCSO Act), Pudhucherry and quash the same.

For Petitioner : Mr.M.N.Kathir

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor (Pondicherry)



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ORDER

WEB COPY This Criminal Original Petition has been filed to call for the records pertaining to the Spl.S.C.No.183 of 2023 on the file of the Sessions Judge, Fast Track Court (POCSO Act), Pudhucherry and quash the same.

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 Spl.S.C.No.183 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



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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.

28.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
nsa

To

1.The Sessions Judge, Fast Track Court (POCSO Act),
Pudhucherry

2.The Station House Officer,
D.Nagar Police Station,
Gorimedu, Puducherry,
(Crime No.188/2022)

3. The Public Prosecutor,
Madras High Court,
Chennai 600 104..



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N. ANAND VENKATESH, J.

nsa

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