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CrI.O.P.No.27422 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CrI.O.P.No.27422 of 2019 and
CrI.M.P.No.14580 of 2019

1.Kittu @ Abdul Kadhar

... Petitioner

Vs.

1.State Rep. by the Inspector of Police,
B-2, Esplanade Police Station,
Chennai.

2.Bernant

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C. No.1906 of 2017 on the file of VII Metropolitan Magistrate, George Town Court Chennai and quash the same.

For Petitioner : Mr.A.Prabhakaran

For Respondents : Mr.A.Damodaran,
Addl. Public Prosecutor for R1

No appearance for R2
(Notice served)

ORDER

This petition is filed to quash the final report in C.C.No.1906 of 1906 of 2017 on the file of the VII Metropolitan Magistrate, George Town Court,



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Chennai for the alleged offences under Sections 341, 323, 294(b), 332, 506(i) r/w. 149 IPC. It is alleged in the charge sheet that as per the prosecution, on 31.08.2016, the defacto complainant had earlier broken the windshield of the car belonging to A1, for which A1 to A5, on 06.09.2016 attacked the defacto complainant. Therefore, on account of that previous enmity, this occurrence took place.

2. Learned counsel for the petitioner/A4 would submit that the petitioner is a pavement vendor selling household articles. He is innocent and has nothing to do with the alleged offence and the allegations in the impugned charge sheet are vague as regards the role played by him. The further grievance is that though the final report was filed in the year 2016, there is no progress in the trial.

3.Learned Additional Public Prosecutor would submit that there are incriminating materials available for implicating the petitioner.

4.This Court, on perusal of the impugned final report, is of the view that the petitioner can raise all his contentions which are factual in nature before



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the trial Court. As regards his grievance that no progress is made in the trial, it would suffice if there is a direction to the learned Magistrate to conduct the trial as expeditiously as possible and in any event, within a period of one year from the date of receipt of a copy of this order.

5.Learned counsel further submits that since the petitioner is a street vendor, he would pray that the personal appearance of the petitioner before the trial Court may be dispensed with, in view of the hardships that would cause to him due to his regular appearance before the Court. In view of the request made by the learned counsel for the petitioner, the personal appearance of the petitioner before the trial Court is dispensed with unless, the learned Magistrate thinks his presence is necessary for the progress of the trial.

6. With the above observations, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

09.03.2023

Index: Yes/No
Speaking / Non Speaking Order

SUNDER MOHAN, J

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To

1. VII Metropolitan Magistrate, George Town Court Chennai
2. The Inspector of Police,
B-2, Esplanade Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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