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Crl.O.P.No.4507 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.3.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P No.4507 of 2024
& Crl.M.P.Nos.3309 & 3310 of 2024

S.Arun Pandiyan

...Petitioner

Vs.

1.The Deputy Superintendent of
Police, Vedaranyam,
Nagapattinam District.

2.The Inspector of Police,
Thalaignayiru Police Station,
Vedaranyam Taluk,
Nagapattinam District.

3.M.Ranjith

...Respondents

Petition under Section 482 of the Criminal Procedure Code
praying to call for the records pertaining to Spl.S.C.No.31 of 2021
on the file of the District & Sessions Court, Nagapattinam and quash
the same.



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For Petitioner : Mr.K.M.Subramanian
For R1 & R2 : Mr.A.Gopinath, GA (Crl.Side)

ORDER

This is a petition filed by the petitioner challenging the proceedings initiated by the second respondent against the petitioner under Sections 147, 294(b), 352 and 506(i) of the Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) and 3(1)(e) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

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 the Criminal Procedure Code. The facts of this case and the grounds raised in this quash petition do not fall within the parameters laid down by the Apex Court in the case of ***Bhajan Lal*** [reported in (1992) Suppl (1) SCC 335]. It is left open to the



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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.31 of 2021 on the file of the District and Sessions Court, Nagapattinam 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 the Hon'ble Supreme Court in the case of ***Vinod Kumar Vs State of Punjab [reported in 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 the case of ***State of Uttar Pradesh Vs. Shambhu Nath Singh [reported in JT***



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2001 (4) SC 3191]. Consequently, the connected Crl.M.Ps. are closed.

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Index : Yes/No

Neutral Citation : Yes/No

Speaking Order : Yes/No

To

1.The District & Sessions Court,
Nagapattinam.

2.The Deputy Superintendent of
Police, Vedaranyam,
Nagapattinam District.

3.The Inspector of Police,
Thalaignayiru Police Station,
Vedaranyam Taluk,
Nagapattinam District.

4.The Public Prosecutor,
High Court, Madras.

ssr



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N.ANAND VENKATESH,J

ssr

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