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Crl.O.P.(MD).No.18414



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD).No.18414 of 2022

and

Crl.M.P.(MD).Nos.12348 and 12349 of 2022

Raja

...Petitioner

Vs.

1.The State represented by
the Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.160 of 2019)

2.Muruganantham

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records in C.C.No.67 of 2020 on the file of the learned Judicial Magistrate, Mudukulathur and to quash the same insofar as the petitioner is concerned.

For Petitioner

: Mr.M.S.Jeyakarthish

For R-1

: Mr.A.Albert James,
Government Advocate (Crl. Side)

For R-2

: No Appearance



ORDER

This petition has been filed challenging the proceedings in C.C.No.67 of 2020 on the file of the learned Judicial Magistrate, Mudukulathur, against the petitioner for the offences under Sections 147, 148, 294(b), 324, 353, 506 (2), 149 and 323 of IPC.

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. The learned Government Advocate (Criminal Side) appearing for the first respondent Police submitted that already twelve witnesses have been examined in this case and only the Investigating Officer has to be examined on the side of the prosecution.

4. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he



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shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.67 of 2020 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.

11.12.2024

Index : Yes / No
Internet : Yes / No
Speaking Order/Non Speaking Order
TSG

To
1.The Judicial Magistrate,
Mudukulathur.

<https://www.mhc.tn.gov.in/judis>



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2.The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

TSG

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