



Crl.O.P.(MD)No.19727 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.19727 of 2021
and
Crl.M.P.(MD) No.11079 of 2021

Prabhakaran

... Petitioner

Vs.

A.Arulanantham

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records bearing in Spl.S.C.No.6 of 2021 on the file of the learned Principal District and Sessions Judge / Special court for SC/ST (POA) Act, Virudhunagar District at Srivilliputhur and quash the same as against the petitioner.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.T.Thirumurugan

ORDER

This petition has been filed challenging the proceedings in Spl.S.C.No.6 of 2021 pending on the file of the learned Principal District and Sessions Judge / Special Court for SC/ST (PoA) Act, Virudhunagar District at Srivilliputhur.



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2. The case is now treated as a warrant case otherwise than by way of a police report. In view of the same, a pre-charge trial will be conducted where the petitioner will have an opportunity to cross examine the witnesses. Ultimately, even at this stage, if the offence is not made out, discharge petition can be filed. This opportunity is very much available to the petitioner.

3. 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.

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



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petitioner is dispensed with and the petitioner shall be present before the Court at the time of framing of charges and at the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment. The counsel representing the petitioner shall cross examine the witnesses on the same day they are examined in Chief.

5. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed.

16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

To

The Principal District and Sessions Judge
/Special court for SC/ST (POA) Act,
Virudhunagar District at Srivilliputhur.

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N.ANAND VENKATESH,J.

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