

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.12166 of 2019
and Crl.M.P Nos.6357 & 6358 of 2019

Babu

Petitioner

vs.

1. State represented by
The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
(Crime No.48 of 2009)

2. L.Elumalai

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.883 of 2012 pending on the file of learned Judicial Magistrate, Alandur, Kancheepuram District and quash the same as far as the petitioner is concerned.

For Petitioner

: Mr.A.Ramesh Babu

For R1

: Mr.C.Raghavan
Government Advocate (Criminal Side)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.770 of 2014 pending on the file of the learned Judicial Magistrate, Alandur, Kancheepuram District.

2. The petitioner has been added as A5 in the final report.

3. The learned counsel for the petitioner apart from raising various issues, also brought to the notice of this Court that the proceedings has been quashed in so far as A3 is concerned by virtue of compromise with the defacto complainant.

4. This Court has carefully considered the submission made by the learned counsel for the petitioner and also perused the materials placed on record.

6. The grounds that they have been raised by the learned counsel for the petitioner are purely factual in nature and this Court does not want to venture into the same and give its findings, since it does not fall within purview of Section 482 of Cr.P.C. In so far as the compromise is concerned, the same cannot entail to the benefit of the petitioner and the petitioner has to independently establish his defence before the Court below. All the grounds raised by the learned counsel for the petitioner can be raised before the trial Court and the trial Court shall consider the same on its own merits and in accordance with law.

7. The learned counsel for the petitioner requested that the presence of the petitioner may be dispensed with. Taking into consideration the facts and circumstances of the case, the presence of the petitioner is dispensed with before

the Court below and he shall be represented by a counsel who shall cross examine the witness 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.

8. The Court below is directed to complete the proceedings, within a period of three months from the date of receipt of a copy of this order. The Court below is directed to proceed further with the trial on a day-to-day basis and strictly in compliance 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 his appearance 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)***.

9. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are also closed.

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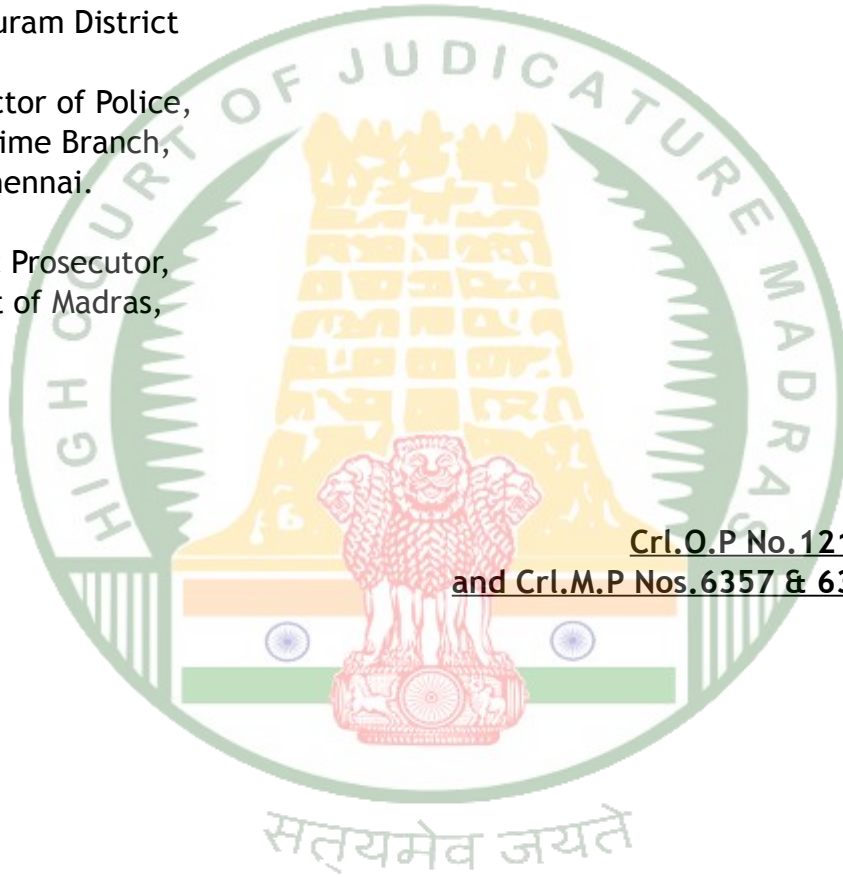
03.06.2019

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
ssr

N. ANAND VENKATESH,. J.
SSR

To

1. The Judicial Magistrate,
Alandur,
Kancheepuram District
2. The Inspector of Police,
Central Crime Branch,
Vepery, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Madras.



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