



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.17578 of 2019
and Crl.M.P No.8879 and 8880 of 2019

1. A. Prabakaran

2. A. Umakaran

...Petitioners

vs.

1. The State Rep by
Inspector of Police,
Central Crime Branch,
Bank Fraud Team XV,
Egmore, Chennai.

2. N.Magesh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records and quash the same in C.C.No. 5567 of 2007 dated 17.07.2007 against these petitioners pending before the CBCID, Metropolitan Magistrate Court, Egmore, Chennai.

For petitioners : Mr.D. NandaGopal
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed challenging the proceedings initiated by the respondent against the petitioners for an offence under Sections 120(b), 465, 467, 468, 471 and 419 read with 420 of I.P.C

2. The various grounds raised by the learned counsel for the petitioners are all factual in nature and the same requires appreciation of evidence in the course of the trial and the said exercise cannot be done by this Court in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioners to raise all the grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law. This Court does not want to interfere with the proceedings at this stage.



3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners are dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners 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 judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.5567 of 2017, on the file of the CBCID, Metropolitan Magistrate Court, Egmore, Chennai within a period of four months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The CBCID, Metropolitan Magistrate Court,
Egmore, Chennai
2. The Inspector of Police,
Central Crime Branch,
Bank Fraud Team XV,
Egmore, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1 cc to M/s.D.Nanda Gopal, Advocate Sr.No. 57599

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and

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PPA (C.O.)
AKM/16.08.19/2P-5C /