

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.15838 of 2013

Gunasekaran

... Petitioner

Vs.

1.The Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 600 008.
(X Crime No.71 / 2010)

2.Muthu

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.1132 of 2012 now pending on the file of the learned Judicial Magistrate, Tambaram and quash the same.

For Petitioner : Mr.R.Ganesh Kumar

For Respondents: Mr.C.Iyyapparaj for R1

Additional Public Prosecutor

Mr.K.V.Muthuvisakan for R2

O R D E R

This criminal original petition has been filed seeking to call for the records in C.C.No.1132 of 2012 now pending on the file of the learned Judicial Magistrate, Tambaram and to quash the same.

2.The learned counsel appearing for the petitioner would submit that petitioner is the accused in C.C.No.1132 of 2012 filed by the second respondent and would further submit that the second respondent is the accused in C.C.No.1051 of 2011 filed by the petitioner herein and that both the cases are now pending before the learned Judicial Magistrate, Tambaram.

3.The learned counsel appearing for the petitioner would further submit that without going into the merits of the case, it would suffice, if this Court issues direction to the Trial Court to have the trial in C.C.No.1132 of 2012 and C.C.No.1051 of 2011 simultaneously and complete the same as early as possible. He would further submit that the appearance of the petitioner before the Trial Court may be dispensed with and would further submit that the petitioner is ready to appear as and when necessary arise.

4.The learned Additional Public Prosecutor and the learned counsel appearing for the second respondent concede to the request made by the learned counsel appearing for the petitioner.

5.In view of the above, this Court directs the learned Judicial Magistrate, Tambaram, to conduct simultaneous trial in C.C.No.1132 of 2012 and C.C.No.1051 of 2011 and complete the same as early as possible and pass appropriate orders in accordance with law. The appearance of the petitioner before the Trial Court is dispensed with. However, this order will not stand on the way of the Trial Court to insist for the appearance of the petitioner for receiving copies under Section 207 of Cr.P.C., framing of charges, questioning under Section 313 of Cr.P.C. and judgment and as and when the Trial Court feels it necessary.

6.With the above directions, this criminal original petition is disposed of. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate, Tambaram.

2.The Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 600 008.
(X Crime No.71 / 2010)

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.R.Ganesh Kumar, Advocate, S.R.No. 1791
+1cc to Mr.K.V.Muthuvisakan, Advocate, S.R.No. 1736

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PM(CO)
GN(14/02/2020)