

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.OP.NO.1633 OF 2021

AND

CRL.M.P.NO.960 OF 2021

Arun Prakash
S/o.Haridass

... Petitioner

Vs.

1.The State rep. by
The Sub-Inspector of Police
Cyber Crime Cell
Central Crime Branch
Egmore, Chennai-8

2.Abdul Kadar Tajudeen
S/o.Abdul Kadar

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records relating to the calendar case in C.C.No.3317/2017 on the file of the learned Metropolitan Magistrate, CCB & CBCID Court, Egmore, Chennai and quash the same insofar as it relates to this petitioner.

For Petitioner : Mr.C.Mageshkumar

For R1 : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This petition has been filed seeking to quash the proceedings in C.C.No.3317 of 2017 pending on the file of the learned Metropolitan Magistrate, CCB & CBCID Court, Egmore, Chennai.

2.The petitioner before this Court has been added as A3 in the final report for the offence under Section 381, 419, 420, 465, 468, 471 IPC r/w 120(b) IPC.

3.The learned Government Advocate (Criminal Side) submitted that there are prima facie materials against the petitioner.

4.This Court has carefully considered the submission made on either side and also perused the materials placed on record.

5.The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all his grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

6.The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner considering his age. The presence of the petitioner is dispensed with and he 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.

7.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, within a period of three 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 petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The Metropolitan Magistrate,
CCB & CBCID Court,
Egmore, Chennai.

2. The Sub-Inspector of Police,
Cyber Crime Cell,
Central Crime Branch,
Egmore, Chennai-8.

3. The Public Prosecutor,
High Court, Madras.

Cr1.OP.No.1633 of 2021

SS(CO)
CS/16/03/2021



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