IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.NO.2712 OF 2021
AND
CRL.M.P NOS.1494 & 1495 OF 2021

R.A.Mahadevan ... Petitioner/Accused

vs.

State: Rep.by
The Inspector of Police,
Central Crime Branch,
Chennai. ... Respondent/Complainant

Prayer:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and quash the charge sheet against the petitioner herein laid in C.C.No.505 of 2020 by the respondent Police on the file of the learned Special Judge for land grabbing cases II, Chennai.

For Petitioner : Mr.T.Surendran

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

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.505 of 2020, pending on the file of the learned Special Judge for land grabbing cases-II, Chennai.

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

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

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

5. The grounds that have been raised by the learned counsel

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

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 these 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 petitions are also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Special Judge for Land grabbing cases-II, Chennai.
2. The Inspector of Police, Central Crime Branch, Chennai.
3. The Public Prosecutor, High Court of Madras, Madras.

Crl.O.P No.2712 of 2021
and Crl.M.P Nos.1494 & 1495 of 2021

BS(CO)
CS/10/03/2021

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/