

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.1567 of 2021

and

Crl.MP.Nos.910 & 911 of 2021

G.Jaisingh, M/50 years

S/o. Chandra Bose

... Petitioner

Vs.

1.The Inspector of Police
Central Crime Branch EDF -1,
Team - I, Vepery, Chennai - 7.
(Crime No.204 of 2015)

2.A.Kumar

S/o. V.Annadurai

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in C.C.No.8024 of 2017 pending Trial on the file of the Chief Metropolitan Magistrate, CCB & CBCID Cases, Chennai and quash the same.

For Petitioner : Mr.R.Chakkaravarthy

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.8024 of 2017 pending on the file of the learned Chief Metropolitan Magistrate, CCB & CBCID cases, Chennai.

2. The petitioner before this Court has been arrayed as an accused in the final report for the offence under Section 406 and 420 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 petitions are closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rm

To

1. The Chief Metropolitan Magistrate,
CCB & CBCID Cases,
Chennai

2. The Inspector of Police
Central Crime Branch EDF -1,
Team - I, Vepery, Chennai - 7.

3.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.R.Chackkaravarthy, Advocate SR.6578

Cr1.OP.No.1567 of 2021

GMI (CO)
CB(02/03/2021)



WEB COPY