

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.3138 of 2021
and Crl.MP.No.1784 of 2021

G.Kamarasu

... Petitioner

Vs.

1.The Inspector of Police
Krishnagiri CCIW CID Unit,
Krishnarigi.

2.T.Rathinavelu,
The Deputy Registrar of Co-operative Societies,
Krishnagiri Circle,
Krishnagiri.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to the charge sheet dated 06.10.2015 in C.C.No.218 of 2015 on the file of Judicial Magistrate - I, Krishnagiri quash the same as illegal.

For Petitioner : Mr.M.S.Palanisamy

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.218 of 2015 pending on the file of Judicial Magistrate - I, Krishnagiri.

2.The petitioner before this Court have been arrayed as accused in the final report for an offence punishable under Sections 408 and 477 A of IPC.

3. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

4. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, 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.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C. No.218 of 2015 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 also closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Judicial Magistrate - I,
Krishnagiri
 2. The Inspector of Police
Krishnagiri CCIW CID Unit,
Krishnarigi.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.M.S.Palanisamy, Advocate sr 10221.

Cr1.OP.No.3138 of 2021
and Cr1.MP.No.1784 of 2021

SMI (CO)
SP(17/03/2021)