

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.3494 of 2021
and Crl.M.P Nos.2028 & 2029 of 2021

R.Karthik Sekar

.. Petitioner/15th Accused

vs.

1. The Inspector of Police,
Central Crime Branch-Team -II,
Vepery, Chennai-7.
Crime No.275 of 2014.

2. K.Sivanathan .. Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in pertaining to the proceedings in CC.No.2251 of 2017 on the file of the learned Metropolitan Magistrate, CCB Cases, Egmore, Chennai pertaining to the case in Crime No.275 of 2014 on the file of the first respondent and quash the same, in respect of the petitioner/15th accused.

For Petitioner : Mr.R.Chakkaravarthy

For R1 : Mr.C.Raghavan

Government Advocate (Criminal Side)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner in C.C.No.2251 of 2017 for the offences under Sections 408, 420, 477A, and 34 IPC and Sections 467, 468, 471 and 420 of IPC read with Section 120(b) IPC.

2. 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.

3. 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 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 judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.2251 of 2017 within a period of six 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

//True Copy//

Sub Assistant Registrar

rli

To

1. The Metropolitan Magistrate,
CCB Cases, Egmore, Chennai

2. The Inspector of Police,
Central Crime Branch-Team -II,
Vepery, Chennai-7.

3. The Public Prosecutor,
High Court of Madras,
Madras.

+1 cc to M/s.R.Chakkaravarthy, Advocate Sr.No. 10872

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AAB(CO)
RMP(16/03/2021)