



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL.O.P Nos.9800 & 9801 of 2018

and

CrI.M.P Nos.5054, 5055, 5056 & 5057 of 2018

CrI.OP.No.9800 of 2018:

M.Mugunthan

...Petitioner / Accused-1

Vs.

1. The Sub-Inspector of Police,
CCIW CID,
Chennai.

...1st Respondent / Complainant

2. Jawahar Prasad Raj ... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the proceedings in CC.No.5915 of 2005 on the file of the learned XI Metropolitan Magistrate Court, Saidapet, Chennai.

CrI.OP.No.9801 of 2018:

E.Dhamodharan

...Petitioner / Accused-1

Vs.

1.The Sub-Inspector of Police,
CCIW CID,
Chennai-2.

...1st Respondent / Complainant

2. Jawahar Prasad Raj ... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the proceedings in CC.No.5916 of 2005 on the file of the learned XI Metropolitan Magistrate Court, Saidapet, Chennai.

For Petitioners : Mr.A.Prabhakaran (in both the Petitions)

For Respondent : Mr.A.Gopinath - R1
Government Advocate (CrI. Side)

M/s.M.S.Palanisamy - R2
(In both the petitions)



COMMON ORDER

The petition in CrI.OP.No.9800 of 2018 has been filed challenging the proceedings in CC.No.5915 of 2005 on the file of the learned XI Metropolitan Magistrate, Saidapet initiated by the first respondent against the petitioner for the offences under Sections 408, 467, 468, 471 read with Section 467, 120(B) of IPC.

2. The petition in CrI.OP.No.9801 of 2018 has been filed challenging the proceedings in CC.No.5916 of 2005 on the file of the learned XI Metropolitan Magistrate, Saidapet initiated by the first respondent against the petitioner for the offences under Sections 420, 467, 468, 471 read with Section 467, 120(B) of IPC.

3. The grounds raised by the counsel for the petitioners 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 petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioners 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, these Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in CC Nos.5915 & 5916 of 2005 as expeditiously as possible. 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 (CrI) 288 SC]. If the petitioners adopt 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-III)

//True Copy//

Sub Assistant Registrar



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To

WEB COPY

1.The XI Metropolitan Magistrate, Saidapet,
Chennai.

2.The Inspector of Police,
CCIW CID, Chennai-2.

3.The Public Prosecutor,
High Court, Madras

+2cc to Mr.A.Prabhakaran, Advocate, S.R.No.35788,35789

CRL.O.P Nos.9800 & 9801 of 2018
and

CrI.M.P Nos.5054, 5055, 5056 & 5057 of 2018

GPL(CO)
SB(27/08/2021)