



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5308 of 2021

and

CrI.M.P No.3394 of 2021

Ravikumar

... Petitioner

Vs.

1. The State Rep. By
Investigating Officer,
Nagapattinam Sub Division,
Nagapattinam.
Crime No.123 of 2017.

2. Shanmugavel

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to CC.No.517 of 2020 on the file of the learned Judicial Magistrate-II, Nagapattinam and quash the same.

For Petitioner	: Mr.T.Muruganandam
For Respondents	: Mr.M.Mohamed Riyaz, R1 Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 420, 476 of IPC and 104, 120(b), 103(a) of Trade Mark Act, 1999.

2. The grounds raised by the counsel for the petitioner is 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, he is examined in Chief. The petitioner shall be present before the Court below at the time of framing of charges, 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.517 of 2020 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 them 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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

RLI

To

1. The Judicial Magistrate-II, Nagapattinam.

2. The Investigating Officer,
Nagapattinam Sub Division,
Nagapattinam.

3. The Public Prosecutor,
High Court, Madras

+1 cc to Mr.T.Muruganantham, Advocate SR.No.17609

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GPL(CO)
TE (22/04/2021)