

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.4350 of 2021
and
Crl.M.P Nos.2783 & 2784 of 2021

S.Natarajan .. Petitioner/Accused-2

Vs.

1. The State Rep. By
Inspector of Police,
Coimbatore Rural Police Station,
Coimbatore.
(Crime No.2 of 2019)

2. Selvaraja

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records in CC.No.2299 of 2019 on the file of the learned Judicial Magistrate IV, Coimbatore and quash the same.

For Petitioner : Mr.S.Selvamuruan

For Respondents : Mr.C.Raghavan R1
Government Advocate
(Crl. Side)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 408, 468, 471, 477A and 109 of IPC.

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.2299 of 2019 within a period of four 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 (Cr1) 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 petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Coimbatore Rural Police Station,
Coimbatore.

2.The Judicial Magistrate IV,
Coimbatore.

3. The Public Prosecutor,
High Court, Madras

CRL.O.P No.4350 of 2021
and

Cr1.M.P Nos.2783 & 2784 of 2021

AAB (CO)
RMP (30/03/2021)