

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.03.2021
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
Crl. OP No.5962 of 2021
and Crl. MP Nos.3860 & 3861 of 2021

Dharsan ... Petitioner/Accused
vs.

State by,
The Inspector of Police,
NIB CID, Coimbatore.
(Crime No.22 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call the entire records pertaining to the C.C.No.57 of 2020 on the file of Special Court for EC Act cases, Coimbatore and quash the same.

For Petitioner : Mr. B.Kumarasamy

For Respondent : Mr.C.Raghavan,

Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.57 of 2020 pending on the file of Special Court for EC Act Cases, Coimbatore.

2. The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and this Court cannot go into the same in exercise of its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise these grounds before the Court below and the Court below shall consider the same on its own merits and in accordance with law.

3. The learned counsel for the petitioner requested this Court to dispense with the presence of the petitioner. 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 judgment.

4. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings, 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 petitions are also closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

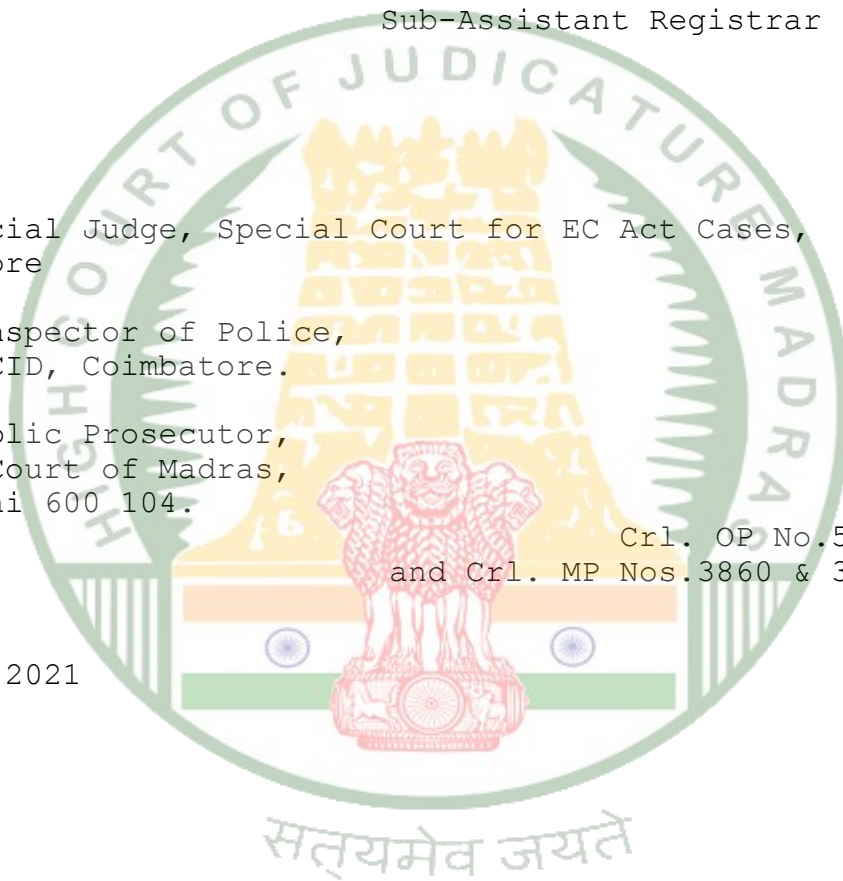
jv

To

1. The Special Judge, Special Court for EC Act Cases,
Coimbatore
2. The Inspector of Police,
NIB CID, Coimbatore.
3. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

Crl. OP No. 5962 of 2021
and Crl. MP Nos. 3860 & 3861 of 2021

PMK (CO)
KKN 26.04.2021



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