

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2021

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5464 of 2021
and
Crl.M.P Nos.3527 & 3529 of 2021

Mohanraj ...Petitioner
Vs.

1. The Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.
(Crime No.2175 of 2020)

2. Raman ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to the case in CC.No.77 of 2020 pending trial on the file of the learned Judicial Magistrate, Cheyyar and quash the same.

For Petitioner : Mr.K.G.Senthilkumar
For Respondents : Mr.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner for offence under Section 294(b), 353, 506(i) of IPC read withn Section 4(i) (j) of Tamil Nadu Prohibition Act.

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.77 of 2020 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 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

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.

2. The Judicial Magistrate, Cheyyar.

3. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.G.Senthil kumar, Advocate, S.R.No.18331

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PMK (CO)
KM(21/04/2021)