



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.2406 and 2407 of 2018
and Crl.M.P.Nos.969,970, 971and 972 of 2018

1. A. Nirmal Kumar ...Petitioner in Crl.O.P.No.2406 of 2018
2.V. Sivaswamy ...Petitioner in Crl.O.P.No.2407 of 2018

Vs.

The state
Represented by the Inspector of Police
Central Crime Branch
Job Racket, Team VIII,
Vepery,
Chennai - 600 007 ...Respondent in both the Crl.O.P's

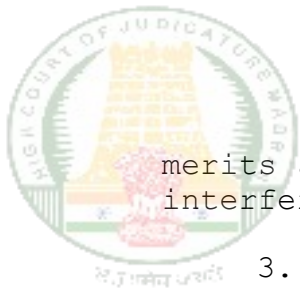
Common Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. calling for the records in C.C.No.4603 of 2017 on the file of XI Metropolitan Magistrate, Saidapet and quash the same.

For Petitioners : Mr. Ramakrishnan for
M/s Waraon and Sai Rams
For Respondent : MrC.E. Pratap
Government Advocate (Crl. side)

ORDER

These petitions have been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 420 and Section 10 and 24 (g) of the Emigration Act, 1983 r/w Section 420 of IPC.

2. 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.

3. 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.

4. Accordingly, these Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in C.C No.4603 of 2017 as expeditious 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 (Crl) 288 SC]. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners 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

smn

To

1. The Inspector of Police
Central Crime Branch
Job Racket, Team VIII, Vepery,
2. XI Metropolitan Magistrate, Saidapet
3. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.2406 and 2407 of 2018
and
Crl.M.P.Nos.969,970,971
and 972 of 2018

BR(CO)
RGA(30/07/2021)