



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.5075 OF 2022 AND
CRL.M.P.NOS.2735 AND 2736 OF 2022

D.Hemakumar

...Petitioner

Vs

1.State rep by
Inspector of Police
Team - XV, Central Crime Branch,
Anti Land Grabbing Cell,
Vepery, Chennai -7.

2.Mr.P.P.Sundaramoorthy

...Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records in C.C.No.6 of 2021, on the file of the Land Grabbing No.I, Metropolitan Magistrate, Egmore, Chennai in Cr.No.462 of 2013 (on the file of the Inspector of Police, Central Crime Branch, Team XV, Anti Land Grabbing Cell, Vepery, Chennai-7) and quash the same.

For Petitioner : Mr.J.Milton Arul Rajendran.

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1.
No appearance for R2.

O R D E R

This petition has been filed to call for the records in C.C.No.6 of 2021, on the file of the Land Grabbing No.I, Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel for the petitioner would submit that civil suits are pending between the parties, the petitioner had filed a suit and also got an exparte order and there is no suppression or impersonation by the petitioner.

3. The learned Additional Public Prosecutor appearing for the first respondent would submit that the grounds raised by the petitioner is factual in nature and no legal ground has been raised.



4. At this juncture, the learned counsel for the petitioner prayed that the personal appearance of the petitioner before the trial Court, may be dispensed with.

5. Accepting the said submission, the presence of the petitioner, before the trial Court shall be dispensed with on condition that the petitioner shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgement and whenever insisted upon by the trial court.

6. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event of his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopt any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with in accordance with the judgement of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition in CrI.M.P.No.2735 of 2022 stands closed and CrI.M.P.No.2736 of 2022 is partly allowed.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

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To

1.The Inspector of Police,
Team - XV, Central Crime Branch,
Anti Land Grabbing Cell,
Vepery, Chennai -7

2.The Public Prosecutor,
High Court, Madras.

CrI.O.P.No.5075 of 2022 and
CrI.M.P.Nos. 2735 and 2736 of 2022

PMK (CO)
RVM(21/03/2022)