



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.Nos.5848, 5851 & 5858 of 2022
and Crl.M.P.Nos.3235, 3241 & 3245 of 2022

Sherief ...Petitioner in all Crl.O.P.'s / Accused No.4

Vs.

The State Represented by,
The Inspector of Police,
DCB, Krishnagiri,
Krishnagiri. ...1st Respondent in all Crl.O.P.'s / Complainant

M.Senthil Velavan
...2nd Respondent in Crl.O.P.No.5848 of 2022 / Defacto
Complainant

M.Balakrishnan
...2nd Respondent in Crl.O.P.No.5851 of 2022 / Defacto
Complainant

Sadai. Arumugam
...2nd Respondent in Crl.O.P.No.5858 of 2022 / Defacto
Complainant

PRAYER in Crl.O.P.No.5848 of 2022 : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, pleased to call for records relating to charge sheet in C.C.No.77 of 2016 on the file of the Chief Judicial Magistrate, Krishnagiri and to quash the same as illegal in so far as it relates to petitioner/accused No.4.

PRAYER in Crl.O.P.No.5851 of 2022 : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, pleased to call for records relating to charge sheet in C.C.No.78 of 2016 on the file of the Chief Judicial Magistrate, Krishnagiri and to quash the same as illegal in so far as it relates to petitioner/accused No.4.

PRAYER in Crl.O.P.No.5858 of 2022 : This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, pleased to call for records relating to charge sheet in C.C.No.77 of 2016 on the file of the Chief Judicial Magistrate, Krishnagiri and to quash the same as illegal in so far as it relates to petitioner/accused No.4.



In all Crl.O.P.'s

For Petitioner : Mr.E.Mohammed Abbas
For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R2 : No Appearance

COMMON ORDER

These Criminal Original Petitions have been filed to call for records relating to charge sheets in C.C.Nos.77, 78 and 77 of 2016 on the file of the Chief Judicial Magistrate, Krishnagiri and to quash the same.

2. Learned counsel appearing for the petitioner would submit that the cases of money dispute have been falsely projected as the cases of job racketing and the petitioner has been falsely implicated in these cases as A4. There is absolutely no material to implicate the petitioner in these cases. He would also submit that though three complaints have been made, instead of clubbing them, the respondent has filed three separate cases.

3. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that the petitioner along with the other accused conspired and falsely promised the defacto complainants to obtain a job in the Highways Department and received various amounts and cheated the defacto complainants by issuing forged/fabricated appointment orders. He would further submit that the petitioner along with the other accused had involved in several other cases and charges have been framed. He would also submit that the case pertains to three separate offences, which are committed at different places and at different period of time, thereby, the cases cannot be clubbed together. He would further submit that the grounds raised are factual in nature and in these cases, charges have been framed and the cases stand posted for trial.

4. Heard the learned counsel and perused the materials available on record.

5. Having perused and examined the grounds raised by the petitioner, which are factual in nature, this Court is not inclined to intervene and interdict the trial at this stage. There is no merit in the quash petitions.

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



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

8. 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 that his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

9. Accordingly, these Criminal Original Petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

rgi/ham

To

1.The Chief Judicial Magistrate,
Krishnagiri

2.The Inspector of Police,
DCB, Krishnagiri,
Krishnagiri.

3.The Public Prosecutor,
High Court of Madras.

+1cc to M/s.E.Mohamed Abbas, Advocate, S.R.No.17615

CrI.O.P.Nos.5848, 5851 & 5858 of 2022
and CrI.M.P.Nos.3235, 3241 & 3245 of 2022

SKM(CO)
RVM(29/03/2022)