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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.6354 OF 2022 AND
CRL.M.P.NOS.3557 AND 3559 OF 2022

T.Usha Rani

...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 Rajan

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 the petitioner is only an innocent purchaser and he has purchased 3 plots from Mr.Hemakumar and thereafter, on coming to know that Power of Attorney which was granted in favour Mr.Hemakumar was already cancelled had reconveyed the property.



3. The learned Additional Public Prosecutor appearing for the first respondent would submit that the petitioner conspired along with the other accused and had created documents to defeat the legal rights of the de-facto complainant and there are enough materials to show that the petitioner has conspired with the other accused. Hence, he would oppose for quashing the proceedings.

4. At this juncture, the learned counsel for the petitioner would submit that the entire case of the prosecution is borne out by documents and the petitioner is a lady and her appearance 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 her 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 her appearance and deal with it 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 Crl.M.P.No.3557 of 2022 stands closed and Crl.M.P.No.3559 of 2022 is partly allowed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vkr

To

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



2.The Public Prosecutor,
High Court, Madras.

+3ccs to Mr.J.Milton Arul Rajendran, Advocate, Sr.No.18981

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CrI.O.P.No.6354 of 2022 and
CrI.M.P.Nos.3557 and 3559 of 2022

BP (CO)
RVM(07/04/2022)