



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.6674 OF 2022

&

CRL.M.P.NOS.3801 & 3804 OF 2022

Syed Saif Hussain

... Petitioner

Vs.

1. State Rep. by The Inspector of Police,
J.2 Adyar Police Station [Law & Order]
Chennai - 600 002.

2. Sathyavani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the charge sheet in C.C.No.1892 of 2020 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai against the petitioner.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor - R1

O R D E R

This Criminal Original Petition has been filed to quash the case in C.C.No.1892 of 2020 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai for the offences under sections 379 and 411 of IPC.

2. The main contention of the petitioner is that no allegation has been made against the petitioner and hence, seeks to quash the charge sheet filed against him.



3. The learned Additional Public Prosecutor appearing for the respondents submitted that there are prima facie materials against the petitioner and witnesses have clearly spoken about the role played by the petitioner in the commission of the offence and hence, prayed to dismiss this petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

5. On a perusal of the CD file, it is seen that the stolen articles have been seized from the petitioner. The grounds that have been raised by the learned counsel for the petitioner is purely factual in nature and the same requires appreciation of evidence and this Court cannot go into the same by conducting roving enquiry while exercising its jurisdiction under Section 482 of Cr.P.C. It is left open to the petitioner to raise all his defence before the trial Court and the Court below shall consider the same on its own merits and in accordance with law.

6. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to expedite the trial in accordance with the guidelines given by Hon'ble Supreme Court reported in Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Cr1) 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 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 petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The IX Metropolitan Magistrate,
Saidapet.
2. The Chief Metropolitan Magistrate,
Egmore.



3. The Inspector of Police,
J.2 Adyar Police Station [Law & Order]
Chennai - 600 002.

4. The Public Prosecutor,
High Court of Madras.

+1cc to M/s.R.Abdul Mubeen, Advocate, S.R.No.38762

Cr1.O.P.No.6674 of 2022

RLD (CO)
RLP (07/07/2022)