



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.5.2022

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.9578 of 2022
and
Crl.M.P Nos.5615 & 5616 of 2022

R.Eswar

...Petitioner/A3

Vs.

1. State Rep.by Inspector of Police
Central Crime Branch, EDF-1,
Aani-1, Vepery, Chennai-600 007.

..1st respondent/
Complainant

2. Putta Suru Babu

..2nd respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the impugned proceedings in C.C.No.349 of 2022 on the file of the Court of CCB and CBCID Cases, Chennai at Egmore and quash the same with respect to the petitioner.

For Petitioner : Mr.J.Hariharan

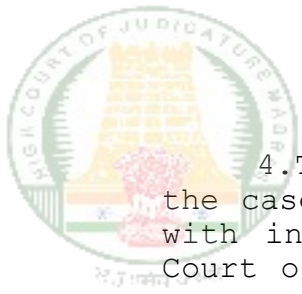
For Respondent-1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed challenging the proceedings initiated by the first respondent against the petitioner under Sections 406, 420 read with 34 of the Indian Penal Code.

2. The grounds raised by the counsel for the petitioner are all factual in nature and they require 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 petitioner 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 petitioner requested this Court to dispense with the personal appearance of the petitioner.



4. Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner is dispensed with in connection with C.C.No.349 of 2022 on the file of the Court of CCB and CBCID Cases, Chennai at Egmore and he shall be represented by a counsel, who shall cross examine the witnesses on the same day when they are examined in chief. The petitioner shall be present before the Court below at the time of questioning under Section 313 Criminal Procedure Code and at the time of passing of the final judgment.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC.No.349 of 2022 as expeditiously as possible and it shall not be later than four months from the date of receipt of a copy of this order. 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 (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 petitions are closed.

Sd/-
Assistant Registrar/
Vacation Officer

//True Copy//

Sub Assistant Registrar

RS

To

1. The Special Judge,
Court of CCB and CBCID Cases,
Chennai at Egmore
2. The Inspector of Police
Central Crime Branch, EDF-1,
Aani-1, Vepery, Chennai-600 007
3. The Public Prosecutor,
High Court, Madras

+1cc to M/s.K.V.Law Firm, Advocate, S.R.No.31590

CRL.O.P.No.9578 of 2022

SV(CO)

RGA(26/05/2022)