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CCrI.O.P.No.15591 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15591 of 2022

and

Crl.M.P.Nos.8785 and 8786 of 2022

Preethi

... Petitioner

Vs.

1. State by Inspector of Police
Central Crime Branch, Forgery Wing, Team-33
Vepery, Chennai – 600 007
(C.C.No.326 of 2021)

2. P.Jayalakshmi

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to the proceedings in C.C.No.326 of 2021 on the file of the learned Judicial Magistrate No.I, Alandur so as to quash the same.

For Petitioner

: Mr.N.Senthilkumar for
Mr.T.R.Sundaram

For Respondent-1

: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



ORDER

WEB COPY This Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.326 of 2021 on the file of the learned Judicial Magistrate No.I, Alandur, Chennai, filed for the offences under Sections 120(B), 406, 420, 506(i) IPC IPC read with 34 IPC.

2. The learned counsel for the petitioner submitted the factual aspects of the case and taken this Court to the statements recorded from the witnesses under Section 161 Cr.P.C., and sought for quashing of the above case.

3. This Court is of the view that without cross examining the witnesses, the Court cannot venture into the probative value of the statements of the witnesses and it is also a matter of appreciation of evidence before the trial Court.

4. In such view of the matter, this Court is of the view that it is not a fit case where the Court can exercise its power under Section 482 Cr.P.C.

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



CCrI.O.P.No.15591 of 2022

6. Accordingly, the personal appearance of the petitioner before the trial Court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court and the petitioner shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

7. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

07.07.2022

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

ksa-2

To

1. The Judicial Magistrate No.I, Alandur
2. Inspector of Police
Central Crime Branch, Forgery Wing, Team-33
Vepery, Chennai – 600 007
3. The Public Prosecutor,
Madras High Court,
Chennai.



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CCrI.O.P.No.15591 of 2022

N. SATHISH KUMAR,J.

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