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Crl.O.P.Nos.23343 of 2013 & 25601 of 2015

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.23343 of 2013

and 25601 of 2015

and MP.No.1 of 2013

Crl.Op.No.23343 of 2013:

1. G.Susila

2. G.Rajendran

3. G.Rajasulochana

... Petitioners

Vs.

1. The Inspector of Police,
District Crime Branch,
Cuddalore District.

2. Balaji

... Respondents

Prayer: Petition filed under Section 482 of Cr.P.C., to call for the entire records relating to the proceedings in CC.No.28 of 2013 on the file of the learned Judicial Magistrate-III, Cuddalore, quash the same.

For Petitioners : Mr.B.Kumarasamy

For Respondents : Mr.L.Baskaran, GA (Crl side) R1
Mr.S.Sairaman R2



CrI.O.P.Nos.23343 of 2013 & 25601 of 2015

CrI.Op.No.25601 of 2015:

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B.Balaji

... Petitioner

Vs.

1. The Inspector of Police,
District Crime Branch,
Cuddalore District.
Cr. No.2 of 2010

... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to direct the learned Judicial Magistrate-III, Cuddalore to dispose the CC.No.28 of 2013 within a time framed manner.

For Petitioner : Mr.S.Sairaman

For Respondent : Mr.L.Baskaran, GA (CrI side) 2

COMMON ORDER

CrI.OP.No.23343 of 2013 has been filed by the accused persons seeking to quash the proceedings in CC.No.28 of 2013 on the file of the learned Judicial Magistrate-III, Cuddalore.

2. CrI.OP.No.25601 of 2015 has been filed by the defacto complainant seeking to direct the learned Judicial Magistrate-III, Cuddalore to dispose the CC.No.28 of 2013 within a time framed manner.



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3. For the sake of convenience, the parties are referred as per their relationship.

4. The grounds raised by the counsel for the accused persons are all factual in nature and it requires 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 petitioners/accused 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.

5. The learned counsel for the accused submitted that during the trial, the petitioners/accused filed a quash petition before this court. The learned counsel requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and they shall be represented by a counsel, who shall cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present



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before the Court below at the time of questioning under Section 313 Cr.P.C
and at the time of passing of the final judgement.

6. Accordingly, this Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in CC.No.28/2013 as expeditiously as possible. 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 (Crl) 288 SC]*. If the petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them 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 also closed.

25.01.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No



CrI.O.P.Nos.23343 of 2013 & 25601 of 2015

Internet: Yes/ No

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To

1. The Inspector of Police,
District Crime Branch,
Cuddalore District.
2. The Judicial Magistrate-III, Cuddalore,
3. The Public Prosecutor,
Madras High Court.



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CrI.O.P.Nos.23343 of 2013 & 25601 of 2015

M.DHANDAPANI,J.

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