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CrI.O.P.No.8758 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.8758 of 2019

and

CrI.M.P.No.4639 of 2019

K.A.Manoharan

...Petitioners

vs.

1.The State rep by its
Inspector of Police,
CCIW Dharmapuri
(Crime No.9 of 2003)

2.N.Shanmugam,
Deputy Registrar (Housing Board),
Vellore Division, Vellore.

...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.229 of 2016 on the file of the learned Fast Track Court/Magisterial Level, Hosur, Krishnagiri District and quash the same.

For Petitioners : Mr.Mukund R.Pandiyan

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor, for R1
No appearance for R2



CrI.O.P.No.8758 of 2019

ORDER

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This Criminal Original Petition has been filed challenging the proceedings initiated by the respondent against the petitioner in C.C.No.229 of 2016 on the file of the learned Fast Track Court/Magisterial Level, Hosur, Krishnagiri District.

2. The grounds raised by the counsel for the petitioner 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 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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in CC No.229 of 2016 within a period of six 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 (CrI) 288 SC]***. If the petitioner adopts any dilatory



CrI.O.P.No.8758 of 2019

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 also closed.

10.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
nsa

To

- 1.The Inspector of Police,
CCIW Dharmapuri
(Crime No.9 of 2003)
- 2.The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

nsa

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