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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.11297 of 2022
and Crl.MP.Nos.6546 and 6547 of 2022

1.A.Palani
2.B.Nagarajan
3.P.Govindaraj
4.N.A.Thameem
5.Kanniappan
6.M.K.Raja
7/Loganathan
8.R.Kumari
9.Rajendran

... Petitioners/Accused No.1 to 9

-Vs-

1.State rep.by
The Sub Inspector of Police
ALGSC TEAM-17-A
Central Crime Branch
Vepery, Chennai.

..1st Respondent/Complainant

2.R.Radha Krishnandam

..2nd Respondent/de facto Complainant

Criminal Original petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in C.C.No.03 of 2022 pending on the file of Special Metropolitan Magistrate No.II for the Exclusive trial of Land Grabbing Cases, Allikulam Campus, Periyamet, Chennai.

For Petitioner : Mr.D.Dayalan

For Respondents : Mr.Gopinath
Government Advocate (Crl.side)
for R1

Mr.A.Senthil Manohar for R2



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.03 of 2022, pending on the file of Special Metropolitan Magistrate No.II for the Exclusive trial of Land Grabbing Cases, Allikulam Campus, Periyamet.

2. The grounds raised by the learned counsel for the petitioners 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 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 petitioners 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 petitioners **(A3 and A8)** 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 petitioners shall be present 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.

<https://www.mhc.tn.gov.in/judicial> 4.The learned Government Advocate on instructions submitted that the



case was pending on the file of the Special Court for Land Grabbing Cases Allikullam in C.C.No.3 of 2022 and was subsequently transferred to the file of Special Court for CCB/CBCID, Egmore and it has been renumbered as C.C.No.4958 of 2023.

5.This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.4958 of 2023, on the file of Special Court for CCB/CBCID, Egmore, within a period of **six months** from the date of receipt of 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 petitioners adopts 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 petitions are also closed.

18.07.2023

KP
Index : Yes/No
Internet : Yes/No
Neutral Citation: yes/No

N.ANAND VENKATESH, J.



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To

1. The Sub Inspector of Police
ALGSC TEAM-17-A
Central Crime Branch
Vepery, Chennai.
- 2.Exclusive trial of Land Grabbing Cases,
Allikulam Campus, Periyamet,
Chennai.
- 3.Additional Public Prosecutor
High Court, Madras.

Crl.O.P.No.11297 of 2022
and Crl.MP.Nos.6546 and 6547 of 2022

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