



WEB COPY



Criminal Original Petition No.15173 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.15173 of 2023

and

CrI.M.P.Nos.9502 & 9503 of 2023

V.F.Soundararajan @ V.Franco Soundararajan
S/o.Late J.D.Vincent

...Petitioner

Vs

1.Inspector of Police,
Central Crime Branch (EDF-1, Team-1)
Vepery, Chennai - 600 007.
Crime No.103 of 2021

2.G.S.Hemanth Kumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the C.C.No.8297 of 2022 on the file of Special Metropolitan Magistrate (CCB & CBCID) Court, Egmore, Chennai and to quash the same insofar as against the petitioner herein.

For Petitioner : Mr.R.John Sathiyar, Senior Counsel
for Mr.C.S.K.Sathish

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.side] [R1]
Mr.R.C.Paul Kanagaraj [R2]

ORDER



This petition has been filed challenging the proceedings initiated by the second respondent against the petitioner under Sections 406, 420 r/w 120(B) IPC.

2. The grounds raised by learned counsel for 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. Learned counsel for petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, the facts and circumstances of the case, the presence of the petitioner is dispensed with and he 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 before the Court below at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a



Criminal Original Petition No.15173 of 2023

direction to the Court below to complete the proceedings in C.C.No.8297 of 2022 within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

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 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 v. Shambhu Nath Singh (JT 2001 (4) SC 3191)***.

07.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

N.ANAND VENKATESH, J



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gm

To

The Special Metropolitan Magistrate
(CCB & CBCID) Court,
Egmore, Chennai.

Criminal Original Petition No.15173 of 2023

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