



WEB COPY



Criminal Original Petition No.17561 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17561 of 2023

and

Crl.M.P.Nos.11513 & 11514 of 2023

E.D.Prakasam

S/o.Deivasigamani

...Petitioner

Vs

1.The State represented by
The Inspector of Police,
Central Crime Branch,
Team - 4, EDF II, Veppery,
Chennai.

2.A.Muthu Shanmuganathan
S/o.Ayyanar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records pertaining to the case in C.C.No.3773 of 2021 on the file of Special Court for CCB/CBCID Metropolitan Magistrate Court, Egmore, Chennai and quash the same as illegal and devoid of merits.

For Petitioner : Mr.M.R.Radhakrishnan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER



Criminal Original Petition No.17561 of 2023

This petition has been filed seeking to quash the proceedings in C.C.No.3773 of 2021 on the file of Special Court for CCB/CBCID Metropolitan Magistrate Court, Egmore, Chennai.

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 appear before the Court below as and when required. That apart, the petitioner shall be present before the Court below at the time of framing of



Criminal Original Petition No.17561 of 2023

charges and 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 direction to the Court below to complete the proceedings in C.C.No.3773 of 2021 within a period of six (6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are 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)***.

08.08.2023

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

N.ANAND VENKATESH, J



WEB COPY



Criminal Original Petition No.17561 of 2023

gm

To

- 1.The Special Court for CCB/CBCID Metropolitan Magistrate Court,
Egmore, Chennai.
- 2.The Inspector of Police,
Central Crime Branch,
Team - 4, EDF II, Veppery,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.17561 of 2023

08.08.2023