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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.18708 of 2023

and

CrI.M.P Nos.12459 and 12460 of 2023

A.M.Kaja Hussain

...Petitioner

Vs.

1.State represented by
The Inspector of Police,
Central Crime Branch - I,
Chennai.

2.K.Indira Gandhi

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records and quash the proceedings pending as against the petitioner is concerned in C.C.No.9740 of 2021 pending on the file of the Metropolitan Magistrate for exclusive trial of CCB Cases and CBCID Metro Cases, Egmore, Chennai as far as the petitioner is concerned.



For Petitioner : Mr.K.Balasubramaniam
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl.Side)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 406, 420, 294(b), 506(i) IPC r/w 120 (b) IPC.

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.



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3. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.9740 of 2021 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 (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 VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are also closed.

21.08.2023

Index: Yes/No
Internet: Yes/No
rka/mkn-ii



To

1. The Metropolitan Magistrate for exclusive trial of CCB Cases and CBCID Metro Cases, Egmore at Chennai.
2. The Inspector of Police, Central Crime Branch - I, Chennai.
3. The Public Prosecutor, High Court, Madras



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N.ANAND VENKATESH.J.,

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