



Crl.O.P.No.22231 of 2014

In the High Court of Judicature at Madras

Dated : 20.7.2023

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Criminal Original Petition No.22231 of 2014
MP No.1 and 2 of 2014

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1.K.R.Chandran
2.K.R.Arjuna
3.K.R.Halldorai
4.K.R.Ramesh

...Petitioners

Vs

1.State rep.by
The Inspector of Police,
Periyanaickenpalayam Police
Station, Coimbatore District.

2.K.R.Anbu Gowder

...Respondents

PETITION under Section 482 of the Criminal Procedure Code
seeking to call for and quash the proceedings pending against the
petitioners in C.C.No.71 of 2014 on the file of the learned Judicial
Magistrate No.6, Coimbatore.



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For Petitioners : Mr.A.M.Rahamath Ali

For Respondent-1 : Mr.M.Babu Muthu Meeran,
Additional Public Prosecutor

For Respondent-2 : Mr.P.R.Balasubramanian

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 468, 471 r/w 120-b r/w 34 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



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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 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.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.71 of 2014 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



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Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioners 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.

20.7.2023

Index : Yes (or) No
Neutral Citation : Yes (or) No
Speaking Order : Yes (or) No

To

- 1.The Judicial Magistrate No.6, Coimbatore.
- 2.The Inspector of Police, Periyanaickenpalayam Police Station, Coimbatore District.
- 3.The Public Prosecutor, High Court, Madras.

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