



WEB COPY



Criminal Original Petition No.16391 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.16391 of 2023

and

CrI.M.P.No.10446 of 2023

Govinda Tapan Pore
S/o.Late Tapan Pore

...Petitioner

Vs

1.State represented by
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai - 600 079.
Crime No.842 of 2007

2.Ashok Kumar
S/o.Pukhraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in C.C.No.1800 of 2021 on the file of VIII Metropolitan Magistrate, George Town, Chennai and quash the same.

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



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ORDER

This petition has been filed challenging the proceedings initiated by the second respondent against the petitioner under Sections 408, 406 and 420 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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1800 of 2021 within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.



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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)***.

25.07.2023

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

To

The VIII Metropolitan Magistrate,
George Town, Chennai.



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N.ANAND VENKATESH, J

gm

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