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Crl.O.P. No.15373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P.No.15373 of 2023

and

Crl.M.P.Nos.9581 & 9582 of 2023

Mukesh Sharoon,
S/o.M.Devendran

... Petitioner

vs.

1. Inspector of Police,
V-5, Thirumangalam Police Station,
Traffic Investigation Wing,
Chennai – 600 049.

2. N.Magesh
S/o.Nandhan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the Final Report/Charge Sheet in C.C.No.7861/2022 on the file of Metropolitan Magistrate VI, Egmore, Chennai.

For Petitioner : Mr.N.A.Nissar Ahamed
Senior Counsel
for Mr.Kowser Sulthanai.I

For Respondents : Mr.A.Gopinath
Government Advocate [Crl.Side] [R1]



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ORDER

This petition has been filed challenging the proceedings initiated by the second respondent against the petitioner under Sections 279, 337 and 338 of 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.7861 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 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)***.

27.07.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
mp/mkn

To

The Metropolitan Magistrate VI,
Egmore, Chennai.



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N. ANAND VENKATESH., J

mp/mkn

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