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Crl.O.P.No.17351 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.17351 of 2023
and Crl.M.P.No.11232 of 2023**

S.Muthu Ramalingam

.. Petitioner

Versus

**1. The Inspector of Police,
PEW, Thirguchegodu Police Station,
Thiruchengodu,
Namakkal District.
Crime No.309 of 2020.**

2. J.Prabhu

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records S.C.No.104 of 2022 on the file of the learned Sub-ordinate Judge, Paramathi, Namakkal District and quash the same against the petitioner.

For Petitioner : Mr.K.S.Vivekanandam

**For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1**

ORDER



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This petition has been filed seeking to quash the S.C.No.104 of 2022 on the file of the learned Sub-ordinate Judge, Paramathi, Namakkal district.

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.

3. The learned counsel for the 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 be present before the Court below at the time of framing of charges, at the time of questioning under Section 313 Cr.P.C and at the time of passing of the final judgment.



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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.104 of 2022 within a period of three 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 petition is also closed.

08.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Inspector of Police,
PEW, Thiruchengodu Police Station,
Thiruchengodu,
Namakkal District.



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2. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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