



Criminal Original Petition No.16893 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.16893 of 2023

and

Crl.M.P.Nos.10859 & 10860 of 2023

N.K.Surulivel
Advocate

...Petitioner

Vs

1.The State Represented by,
The Inspector of Police,
District Crime Branch,
Salem District.
Crime No.07 of 2020

2.S.Palaniappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to the C.C.No.42 of 2021 on the file of learned Judicial Magistrate-VI, Salem and to quash the same insofar as against the petitioner herein.

For Petitioner : Mr.Thanga Vadhana Balakrishnan
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 120(b), 419, 420, 467, 468, 471, 474, 192, 199 and 209 r/w. 109 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. Learned counsel for 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



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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 judgment.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.42 of 2021 within a period of four (4) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are also closed.

5.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)***.

31.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J

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To

The Judicial Magistrate-VI,
Salem.

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