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Crl.O.P.No.16755 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16755 of 2023
and Crl.M.P.Nos.10763 and 10764 of 2023**

1. Balasubramaniam
2. Nithyalakshmi
3. Girija
4. Karthik
5. Mahagandhi
6. Mohana Suhda
7. Pasupathy

.. Petitioners

Versus

1. The State rep by
The Inspector of Police,
Central Crime Branch - I,
Chennai - 600 007.

2. M.R.Gurumurthy

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.3210 of 2023 on the file of CCB, CB-CID Metropolitan Magistrate, Egmore, Chennai and quash the same.

For Petitioners : Mr.L.Infant Dinesh

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



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.3210 of 2023 on the file of the CCB, CB-CID Metropolitan Magistrate, Egmore, Chennai.

2. The grounds raised by the learned Counsel for the petitioners 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 petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the personal appearance of the petitioners 3, 4, 5, 6 and 7 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. They shall be present before the Court below at the time



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of framing of the charges under Section 240 of Cr.P.C., at the time of of questioning under Section 313 of Cr.P.C., and at the time of passing of the final judgment.

4. Accordingly, this Criminal Original Petition is disposed off with a direction to the Court below to complete the proceedings in C.C.No.3210 of 2023 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 Supreme Court reported in ***Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]***. If the petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them 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 closed.

28.07.2023

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



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N.ANAND VENKATESH, J.
grs

To

1. The CCB, CB-CID Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
Central Crime Branch - I,
Chennai - 600 007.
3. The Public Prosecutor,
High Court of Madras.

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