



WEB COPY



Criminal Original Petition No.17542 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17542 of 2023

and

Crl.M.P.Nos.11495 & 11496 of 2023

A.Mohammed Thaher
S/o.Abdul Rahman

...Petitioner

Vs

1.State by
Inspector of Police,
D-6 Anna Square Traffic Investigation Wing,
Chennai.
Crime No.338 of 2022

2.Babu
S/o.Rangasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and quash the charge sheet in C.C.No.2946 of 2023 on the file of VI Metropolitan Magistrate, Egmore, Chennai, pending disposal of the above quash petition.

For Petitioner : Mr.J.Samiullah

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor [R1]



ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.2946 of 2023 pending on the file of VI Metropolitan Magistrate, Egmore, Chennai.

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 requests this Court to dispense with the appearance of the petitioner. It is brought to the notice of this Court that the case is at the stage of issuance of summons to the accused persons. In view of the same, it is left open to the petitioner to file a petition u/s.205 Cr.P.C. and the Court below shall consider the same and pass appropriate orders in accordance with law.



Criminal Original Petition No.17542 of 2023

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.2946 of 2023 within a period of four (4) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

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)***.

08.08.2023

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



WEB COPY



Criminal Original Petition No.17542 of 2023

N.ANAND VENKATESH, J
gm

To

- 1.The VI Metropolitan Magistrate,
Egmore, Chennai.
- 2.The Inspector of Police,
D-6 Anna Square Traffic Investigation Wing,
Chennai.
Crime No.338 of 2022
- 3.The Public Prosecutor,
High Court, Madras.

Criminal Original Petition No.17542 of 2023

08.08.2023