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Crl.O.P.No.17160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.17160 of 2023

and

Crl.M.P Nos.11042 and 11044 of 2023

Kabilan

... Petitioner

Vs.

1. State rep. by
The Inspector of Police,
Mannargudi town Police Station,
Mannargudi - Post & Taluk,
Thiruvarur - District.
(Crime No.189 of 2018)

2. Mathanagopal
Respondents

...

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records relating to charge sheet in P.R.C.No.42 of 2022 on the file of the Judicial Magistrate No.I, Mannarugudi and quash the same.



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Crl.O.P.No.17160 of 2023

For Petitioner : Mr.D.Veerasekharan
For R1 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 147, 148, 341, 324, 307 and 3(1) of the Tamil Nadu Property [Prevention of damage and loss) Act, 1992.

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



Crl.O.P.No.17160 of 2023

WEB COPY

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 questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the committal Court to commit the case in PRC No.42 of 2022 to the concerned Court within a period of six weeks from the date of receipt of a copy of this order. The concerned Court shall complete proceedings within a period of six weeks thereafter. 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



Crl.O.P.No.17160 of 2023

WEB COPY

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 petitions are also closed.

04.08.2023

rka

To

1. The Judicial Magistrate No.I,
Mannarugudi.
2. The Inspector of Police,
Mannargudi town Police Station,
Mannargudi - Post & Taluk,
Thiruvarur - District.
3. The Public Prosecutor,
High Court, Madras

N.ANAND VENKATESH, J

4/5



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Crl.O.P.No.17160 of 2023

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