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Criminal Original Petition No.17467 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.17467 of 2023

and

Crl.M.P.Nos.11392 & 11393 of 2023

Champak @ Champak Pawar
S/o.Namdev Pawar

...Petitioner

Vs

1.State represented by
The Inspector of Police,
T-15, SRMC Police Station,
Avadi, Chennai District.
Crime No.538 of 2022

2.Padmavathi
D/o.Mohan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in C.C.No.200 of 2023 pending on the file of Judicial Magistrate I, Poonamallee and quash the same.

For Petitioner : Mr.N.Arun Kumar

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



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.200 of 2023 pending on the file of Judicial Magistrate I, Poonamallee.

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. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.200 of 2023 within a period of six (6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.



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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

To

1. The Judicial Magistrate I,
Poonamallee.
2. The Inspector of Police,
T-15, SRMC Police Station,
Avadi, Chennai District.
Crime No.538 of 2022
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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