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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P Nos.18056, 18060, 18062, 18067 and 18068 of 2023
and Crl.MP.Nos.11926, 11928, 11930, 11933 and 11936 of 2023

M.Kanunanithi
S/o.Mari

.. Petitioner /Accused-17, 12, 12, 11 & 14
in All WPs

.Vs.

1.The Deputy Superintendent of Police
Commercial Crime Investigation Wing
Villupuram.

2.The Inspector of Police
Commercial Crime Investigation Wing
Villupuram. (Crime No.3/2005)

3.S.Subramanian
The Deputy Registrar of Co-operative Societies
Tindivanam, Villupuram District.

.. Respondents/Complainant
in All WPs

COMMON PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the C.C.Nos.13, 14, 15, 16 and 17 of 2011, on the file of Judicial Magistrate No.II at Tindivanam, Villupuram District.

For Petitioner : Mr.R.Thanjan
(in All Wps)

For Respondents : Mr.A.Damodaran
(in All Wps) Additional Public Prosecutor
for R1 and R2



COMMON ORDER

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These criminal original petitions have been filed to quash the proceedings in C.C.Nos.13, 14, 15, 16 and 17 of 2011, pending on the file of Judicial Magistrate No.II at Tindivanam, Villupuram District.

2.It is brought to the notice of this Court that the examination of witnesses has already commenced and substantial number of witnesses have been recorded. In view of the same, this Court is not inclined to entertain these quash petitions at this stage. Considering 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. These Criminal Original Petitions are disposed of with a direction to the Court below to complete the proceedings in C.C.Nos.13, 14, 15, 16 and 17 of 2011, within a period of four 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 (Cri) 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 VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***.



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5. These criminal original petitions are disposed of with the above directions.

Consequently, connected miscellaneous petitions are also closed.

14.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
KP

To

1. The Deputy Superintendent of Police
Commercial Crime Investigation Wing
Villupuram.
2. The Inspector of Police
Commercial Crime Investigation Wing
Villupuram. (Crime No.3/2005)
3. S. Subramanian
The Deputy Registrar of Co-operative Societies
Tindivanam, Villupuram District.
4. Judicial Magistrate No. II
Tindivanam, Villupuram District.
5. Public Prosecutor
High Court of Madras.



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N. ANAND VENKATESH,, J.
KP

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and 18068 of 2023

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