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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 No.17886 of 2023
and Crl.MP.Nos.11784 & 11785 of 2023

V.Dwaraknath, A-52 Y
S/o.Mr.Vasudevan

.. Petitioner /Accused -5

.Vs.

1.State rep.by
The Inspector of Police
Sulur Police Station
Sulur, Coimbatore District.
(Ref.Crime No.151/2007 dt.8.3.2007)

..1st Respondent/Complainant

2.K.Chandrasekar
S/o.Mr.Kangayappa Gounder

..2nd Respondent/de facto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings in C.C.No.965 of 2017, on the file of the Judicial Magistrate at Sulur registered offences u/s.147, 148, 447, 323 and 506(ii) IPC.

For Petitioners : Mr.C.Arun Kumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



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ORDER

This criminal original petition has been filed to quash the proceedings in C.C.No.965 of 2017, pending on the file of the Judicial Magistrate, Sulur.

2.It is brought to the notice of this Court that the trial has already commenced and two witnesses have already been examined.

3.In view of the above, this Court is not inclined to entertain this quash petition 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. This Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.965 of 2017, within a period of three 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 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



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of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***.

5.This criminal original petition is 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 Inspector of Police
Sulur Police Station
Sulur, Coimbatore District.
2. Judicial Magistrate, Sulur.
- 3.Public Prosecutor
High Court of Madras.



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N. ANAND VENKATESH,. J.
KP

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