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*Crl.O.P.No.18717 of 2023
and Crl.M.P.Nos.12464 and 12466 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.18717 of 2023
and Crl.M.P.Nos.12464 and 12466 of 2023

K.Srinivasan

.. Petitioner

Versus

M.K.Gandhi

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for entire records in C.C.No.818 of 2015 now pending on the file of the learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai - 600 003 and quash the same.

For Petitioner : Mr.R.Rajasekaran

ORDER

This petition has been filed challenging the proceedings in C.C.No.818 of 2015 pending on the file of the learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai.



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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. The trial has already commenced in the year 2022. This is yet another reason as to why this Court does not want to entertain this quash petition.

3. Accordingly, this Criminal Original Petition is disposed off with a direction to the Court below to complete the proceedings in C.C.No.818 of 2015 pending on the file of the learned XIX Metropolitan Magistrate, Egmore at Allikulam, Chennai within a period of two 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



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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 closed.

17.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The XIX Metropolitan Magistrate,
Egmore at Allikulam,
Chennai - 600 003.



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N.ANAND VENKATESH, J.
grs

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