



Crl.O.P.No.22855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.22855 of 2022

and

Crl.M.P.Nos.14657 & 14659 of 2022

1. Y.Uma Maheswari

2. S.Yuvaraj

.. Petitioners

Vs.

1. State by

Inspector of Police,

EDF-II, Team III

Central Crime Branch (CCB)

Vepery, Chennai

2. R.Kailash Kumar

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the records pertaining to the charge sheet pending in C.C.No.200 of 2018 on the file of the learned CCB and CBCID Metropolitan Magistrate at Egmore, Chennai and quash the



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same.

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For Petitioners : Mr.C.P.Palanichamy
For Respondent No.1 : Mr.A.Damodaran
Additional Public Prosecutor
For Respondent No.2 : Mr.T.Arockiadoss

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioners under Sections 406, 420, 120(b) r/w. 34 of IPC.

2. The grounds raised by the counsel for the petitioners 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 petitioners 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



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proceedings pending before the Court below.

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3. The learned counsel for the petitioners requested this Court to dispense with the presence of the petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners 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 petitioners 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 Court below to complete the proceedings in CC No.200 of 2018 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



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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 VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are also closed.

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Index :Yes/No

Internet:Yes

Speaking Order/Non-speaking Order

To

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1. The learned CCB and CBCID Metropolitan Magistrate
at Egmore, Chennai
2. The Inspector of Police,
EDF-II, Team III
Central Crime Branch (CCB)
Vepery, Chennai.
3. The Public Prosecutor,
Madras High Court, Chennai.

N.ANAND VENKATESH,J.

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