



WEB COPY



Criminal Original Petition No.19698 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.19698 of 2023

and

CrI.M.P.No.13303 of 2023

Karthik,
S/o.Duraisamy

...Petitioner

Vs.

1.The State rep. by
The Inspector of Police,
Central Crime Branch,
Coimbatore City, Coimbatore District.
Crime No.2 of 2022.

2. Mr.S.Mahendran,
S/o.R.Subramanian

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records of the impugned proceedings pending in C.C.No.2647 of 2022, on the file of Learned Judicial Magistrate – VII, Coimbatore and quash the same.

For Petitioner : Mr.W.Camles Gandhi

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

ORDER



This petition has been filed challenging the proceedings initiated by the second respondent against the petitioner under Sections 120B, 420 of IPC.

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. Learned counsel for petitioner requested this Court to dispense with the presence of the petitioner. Taking into consideration, 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 judgment.

4. The learned Additional Public Prosecutor submits that Trial has



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already commenced and the P.W.1 has already examined and the case is now posted for cross-examination of L.W.2 and L.W.3.

5. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.2647 of 2022 within a period of six (6) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is also closed.

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)***.

05.09.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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N.ANAND VENKATESH, J
mp

To

The learned Judicial Magistrate No.VII,
Coimbatore.

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