



WEB COPY



Criminal Original Petition No.31228 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.31228 of 2022

and

CrI.M.P.Nos.19079 & 19080 of 2022

1. Ashwini D.
W/o. Duraimurugan

2. Durai Murugan,
S/o.Subramanian

...Petitioners

Vs

1.The State,
Rep. by Inspector of Police,
Central Crime Branch, Chennai.

2.S.Nirmala,
W/o.Mr.Suresh Veeraragavan

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in C.C.No.191 of 2022 pending before the Hon'ble Chief Metropolitan Magistrate, Egmore, Chennai and quash the same in the interest of justice.

For Petitioners : Mr.S.Suresh Kumar

For Respondents : Mr.A.Gopinath

Government Advocate [CrI.side] [R1]



ORDER

This petition has been filed challenging the proceedings initiated by the second respondent against the petitioners under Sections 408 and 420 of IPC and 66 of Information Technology (Amendment) Act, 2008.

2. The grounds raised by learned counsel for 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 proceedings pending before the Court below.

3. Learned counsel for 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 judgment.



4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.191 of 2022 within a period of three (3) months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are 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 petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners and remand them 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)***.

13.09.2023

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

mp

To

The Chief Metropolitan Magistrate Court,
Egmore, Chennai.

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