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CrI.O.P.No.25507 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.25507 of 2023

and

CRL.M.P.No.17686 of 2023

Pramod Kumar

....

Petitioner

Vs

Additional Superintendent of Police,
Central Bureau of Investigation,
Economic Offences Wing,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.

....

Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order dated 25.10.2023 in CMP No.1505 of 2023 in C.C.No.2 of 2023 by the II Additional District Magistrate, CBI Cases, Coimbatore.

For Petitioner : Mr.Manishankar, Senior Counsel
for Mr.K.Balu

For Respondent : Mr.K.Srinivasan, Senior Counsel
Special Public Prosecutor for CBI Cases

ORDER

This Criminal Original Petition has been filed as against the order dated 25.10.2023 passed in CMP No.1505 of 2023 in C.C.No.2 of



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2023 by the II Additional District Magistrate, CBI Cases, Coimbatore, thereby dismissing the application filed by the petitioner under Section 309 of Cr.P.C.

2. The petitioner is arrayed as first accused. The petitioner also filed a petition to quash the proceedings in C.C.No.2 of 2013 in Crl.O.P.No.19442 of 2022 before this Court. This Court, while admitting the quash petition, had dispensed with the appearance of the petitioner. However, the Trial Court issued NBW against the petitioner. Therefore, he appeared before the Trial Court and the NBW was recalled. Subsequently, the petitioner filed a discharge petition, which is pending. It was argued and posted “for orders and also framed charges” on 04.11.2023.

3. Considering the above, this Court, while admitting this petition, by dispensing with the original order passed in CMP No.1505 of 2023, had also dispensed with the appearance of the petitioner on 04.11.2023 before the Trial Court by an order dated 03.11.2023.



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4. The learned Senior Counsel appearing for the respondent submitted that in compliance of the order passed by this Court, on 04.11.2023, the Trial Court adjourned the C.C.No.1505 of 2023 to 17.11.2023. Therefore, nothing survives in this petition, since the petition itself is filed as against the rejection of petition filed for adjournment under Section 309 of Cr.P.C.

5. In view of the above discussion, this Court is not inclined to set aside the order dated 25.10.2023 in CMP No.1505 of 2023 in C.C.No.2 of 2023 by the II Additional District Magistrate, CBI Cases, Coimbatore. It is also made clear that the dispensed with order passed by this Court in Crl.O.P.No.19442 of 2022 doesn't mean that the petitioner need not appear while framing charges and questioning under Section 313 of Cr.P.C. The petitioner shall appear before the Trial Court whenever the Trial Court posted the matter for framing of charges. The pendency of the petition in Crl.O.P.No.19942 of 2022 is not an impediment to the Trial Court to frame the charges. The Trial Court also can pass orders on the discharge petition.



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6. In the result, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

06.11.2023

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Index:Yes/No
Internet:Yes/No

To

1. The II Additional District Magistrate,
CBI Cases, Coimbatore.

2. The Additional Superintendent of Police,
Central Bureau of Investigation,
Economic Offences Wing,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN,J.

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