



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.6059 of 2024
and Crl.M.P. Nos.4417 & 4418 of 2024

1.S.Nazeer Ahamed

2.T.Banupriya

3.R.Suresh Kumar

4.R.Surya Kumar

5.Prakasam

6.M.Raja

7.V.Selvakumar

8.K.Balachandar

9.M.Manivel

10.Dhavith

11.D.Sowndarrajan

...Petitioners

Vs



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1.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem.

2.The Inspector of Police,
City Crime Branch,
Salem City.
(Crime No.15 of 2017)

3.Mr.R.Ruthrasamy

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to C.C.No.6 of 2019 on the file of Special Court for TNPID Cases, Coimbatore and to quash the same in so far as the petitioners are concerned and to allow the above Criminal Original Petition.

For Petitioners : Mr.G.Vinoth Kumar

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 & R2



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 420 of IPC and Section 4 of the Prize Chit and Money Circulation Schemes (Banning) Act, 1978.

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. The facts of this case and grounds raised in the quash petition do not fall within the parameters laid down by the Apex Court in ***State of Haryana and others v. Bhajanlal and others [(1992) Suppl (1) SCC 335]***. 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.



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3.The learned Additional Public Prosecutor submitted that the trial has already commenced and the case is posted on 21.03.2024 for examination of LW-106 to LW-120. This is yet another reason as to why this Court is not inclined to entertain this petition.

4.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., at the time of passing of the final judgement and as and when required by the Court below. The petitioners shall appear before the concerned Court and execute a bond under Section 88 Cr.P.C..

5.Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.6 of



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2019, as expeditiously as possible. 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 adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners 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.

13.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr

To

1. The Special Court for TNPID Cases, Coimbatore.



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N.ANAND VENKATESH, J

SSR

2.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Salem.

3.The Inspector of Police,
City Crime Branch,
Salem City.

4.The Public Prosecutor,
High Court, Madras.

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