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Crl.O.P.No.1046 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.1046 of 2024
and
Crl.M.P.Nos.712 & 713 of 2024

1.B.Sivaraman
S/o.Balakannan

2.Balakannan
S/o.Ramalingam

3.Selvaganapathi
S/o.Balakannan

... Petitioners

Vs

1.The State of Tamilnadu,
represented by
The Inspector of Police,
Thirunavalur Police Station,
Ulundurpet T.K.
Kallakurichi District.
Crime No.49/2022

2.Ramasamy
S/o.Ramalingam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records and quash the charge sheet in C.C.No.129 of 2022 pending on the file of Judicial Magistrate II, Ulundurpet.



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For Petitioners : Mr.D.Babu Varadharajan
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This petition has been filed challenging the proceedings initiated by the first respondent against the petitioners under Sections 294(b), 323 and 506(ii) IPC.

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. 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.



3. 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 they 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 answering the charges, 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.129 of 2022 within a period of six (6) months from the date of receipt of a copy of this order.

5. 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



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N.ANAND VENKATESH, J

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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 closed.

23.01.2024

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

To

- 1.The Judicial Magistrate II,
Ulundurpet.
- 2.The Inspector of Police,
Thirunavalur Police Station,
Ulundurpet T.K.
Kallakurichi District.
Crime No.49/2022
- 3.The Public Prosecutor,
High Court, Madras.

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