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Crl.O.P.No.3783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

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THE HONOURABLE MR JUSTICE N.ANAND VENKATESH

Crl.O.P.No.3783 of 2024

and

Crl.M.P.No.2774 of 2024

TabreAlam

.. Petitioner

Vs.

1. The State

Rep.by The Inspector of Police,
Annadanapatty Police Station,
Salem Town, Salem.

2. Dr.Helankumar

... Respondents

PRAYER : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records in C.C.No.1190 of 2023 pending on the file of Judicial Magistrate Court IV Salem and quash the same as illegal.

For Petitioner : Mr.C.Saravanan

For Respondent No.1 : Mr.A.Gopinath
Government Advocate (Crl.Side)



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Crl.O.P.No.3783 of 2024

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 420 and 15(3) of the Indian Medical Council Act, 1956.

2. The grounds raised by the counsel for the 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. 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 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. The learned counsel for the petitioner requested this Court to



Crl.O.P.No.3783 of 2024

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 judgement. The petitioner shall also execute a bond u/s.88 Cr.P.C. before the Court below.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.1190 of 2023 pending on the file of Judicial Magistrate Court IV Salem, within a period of six months from the date of receipt of a copy of this order. 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



Crl.O.P.No.3783 of 2024

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.

Index : Yes/No

20.02.2024

Internet : Yes/No

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To

1. The Inspector of Police,
Annadanapatty Police Station,
Salem Town, Salem.

2. The Judicial Magistrate Court IV, Salem.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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