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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.3478 of 2024
and CrI.M.P Nos.2575 & 2576 of 2024

Irulappan

Petitioner

vs.

1.The State Rep. by
The Inspector of Police,
Central Crime Branch, Team XVI
Vepery, Chennai – 600 007.

2.Mr.Vivek Surana

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating the charge sheet in C.C.No.356 of 2023 on the file of the Judicial Magistrate Court No.1, Ponnamllee quash the same as against this petitioner.

For Petitioners : Mr.S.Senthilnathan

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 109, 120B, 448, 467, 468 &



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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 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.No356 of 2023, 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 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 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.

16.02.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
SSR

To

1.The Judicial Magistrate Court No.1, Ponnamllee.

2.The Inspector of Police,
Central Crime Branch, Team XVI
Vepery, Chennai – 600 007.

3.The Public Prosecutor,
High Court of Madras, Madras.



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N. ANAND VENKATESH., J.

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