



CrI.OP.No.2473 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

CrI.OP.No.2473 of 2024
and CrI MP No.1776 of 2024

M.Amirthalingam

... Petitioner

Vs.

1. State by the Inspector of Police,
Bank Fraud Investigation,
Central Crime Branch, Team XII,
Vepery, Chennai 600 007.

2. Mr.K.S,Narasimhan

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the case in CC No.2065 of 2023 on the file of the Special Metropolitan Magistrate, for the exclusive trial of CCB and CBCID cases, Egmore, Chennai and quash the charge sheet.

For Petitioner : Mra.M.Rebecca

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor.



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 490, 420 465, 467, 468, 471 r/w.120B IPC.

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,



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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 judgment and as and when required. 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.2065 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,



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connected miscellaneous petitions are also closed.

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Index:Yes/No
Internet:Yes/No
Speaking order : Yes/No

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To

1. Special Metropolitan Magistrate, for the exclusive trial of CCB and CBCID cases, Egmore, Chennai
2. State by the Inspector of Police,
Bank Fraud Investigation,
Central Crime Branch, Team XII,
Vepery, Chennai 600 007.
3. The Public Prosecutor,
High Court, Madras.

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