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CrI.O.P.No.5953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5953 of 2024
and
CrI.M.P.Nos.4336 & 4337 of 2024

N.Balasubramanian
S/o.Nainappan

... Petitioner

Vs

State represented by
Inspector of Police,
CS-CID, Villupuram.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records relating to C.C.No.225 of 2022 on the file of Judicial Magistrate I, Villupuram and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.225 of 2022 on the file of Judicial Magistrate I, Villupuram.

2. The grounds raised by learned counsel for 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. 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 they shall be represented by a counsel, who shall cross examine the



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witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below at the time of initial questioning, at the time of framing of charges, 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 by the Court below. 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.225 of 2022 within a period of nine (9) 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 of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS.***



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N.ANAND VENKATESH, J

gm

SHAMBHU NATH SINGH (JT 2001 (4) SC 3191). Consequently,
connected miscellaneous petitions are closed.

12.03.2024

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

To

- 1.The Judicial Magistrate I,
Villupuram.
- 2.The Inspector of Police,
CS-CID, Villupuram.
- 3.The Public Prosecutor,
High Court, Madras.

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