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CrI.O.P.No.2898 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2898 of 2024

And

CrI.M.P.Nos.2106 and 2108 of 2024

Ramamoorthy

... Petitioner

Vs.

1.The State rep by its
Inspector of Police,
Bank Fraud Investigation Wing Team – 31,
Central Crime Branch,
Vepery,
Chennai – 07.
(Crime No.67 of 2018)

2.Abdul Salam

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records pertaining to the complaint filed in C.C.No.4831 of 2023, pending on the file of Chief Metropolitan Magistrate, Egmore and quash the same.

For Petitioner : Mr.R.John Sathyan
Senior Counsel
for M/s.P.G.Thiyagu

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor



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ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 406 and 109 of I.P.C..

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. It is left open to the petitioner to raise all the grounds before the Court 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.Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.4831 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



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Hon'ble Supreme Court in **STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)**. Consequently,

the connected miscellaneous petitions are closed.

19.02.2024

pri

Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

- 1.The Chief Metropolitan Magistrate,
Egmore.
- 2.The Inspector of Police,
Bank Fraud Investigation Wing Team – 31,
Central Crime Branch,
Vepery,
Chennai – 07.
(Crime No.67 of 2018)
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.



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N.ANAND VENKATESH,J.
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