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Crl.O.P.No.5366 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.5366 of 2023
& Crl.M.P.No.3367 of 2023

Anees Khan

... Petitioner

/versus/

State Rep. by Deputy Superintendent of Police,
Economic Offences Wing,
Ashok Nagar,
Chennai – 600 083.
Crime No.7 of 2022

... Respondent

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to set aside the impugned undated summon issued in Crime No.7 of 2022 on the State Rep. by Deputy Superintendent of Police, Economic Offences Wing, Ashok Nagar.

For Petitioner : Mr.R.Sreedhar

For Respondent : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)



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ORDER

The petitioner herein suspect in Crime No.7 of 2022 was summoned under Section 91 and 160 of Cr.P.C., to appear before the Additional Superintendent of Police, Economic Offences Wing on 04.02.2023 at 11.00 a.m. Relying upon the expression used under Section 160 of Cr.P.C., the present petition is filed that the petitioner ordinarily resides at Trichy and therefore, summons under Section 160 of Cr.P.C., cannot be caused by the Investigating Officer at Chennai.

2. The Learned Counsel for the petitioner states that it is a legal issue and Police Officer's power to require attendance of witness can be caused only to the person residing in the same jurisdiction or neighbouring jurisdiction, such summons beyond jurisdiction cannot be issued.

3. The Learned Government Advocate (Crl.Side) for the 1st respondent submit that apart from under Section 160 of Cr.P.C., summon is also under Section 91 of Cr.P.C and the petitioner in fact not even residing in Trichy, but in Dubai. Scam of money circulation running to several crores been



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involved and investigated in the crime No.7 of 2022. In spite of two summons, the petitioner has not turned up for investigation.

4. The Learned Counsel appearing for the petitioner submits that he is ready to cooperate with the investigation and will appear on any day the Investigating Officer wants to appear in person without waiting for the formal summons to be served on him.

5. In view of the above fact, this Court holds that there is no error in causing summon to witness under Section 91 of Cr.P.C and 160 of Cr.P.C who resides beyond the jurisdiction of the Investigating Officer if the crime alleged to have been committed within jurisdiction where the Investigating Officer is empowered to investigate. That apart, now the petitioner counsel undertakes to produce the petitioner before the Investigating Officer on the date fixed.

6. In the light of the above, this Criminal Original Petition is disposed of with a direction to the petitioner to appear before the 1st respondent on 06.05.2024 at 11.00 a.m without waiting for the formal summons under Section 91 and 160 of Cr.P.C. On his appearance, enquiry shall be conducted in



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accordance with law. If any lookout notice already issued, same been withdrawn to enable the petitioner herein to enter the Country and participate in the investigation. Consequently, connected Miscellaneous Petition is closed.

16.04.2024

Index : Yes/No
Neutral Citation : Yes/No
bsm

Copy to:-

1. The Deputy Superintendent of Police,
Economic Offences Wing,
Ashok Nagar,
Chennai – 600 083.
2. The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN,J.

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