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Crl.O.P.No.4425 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.4425 of 2024

and Crl.M.P.NOs.3235 and 3237 of 2024

Gowtham

... Petitioner

Vs.

1.The State rep.by
Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
(Cr.No.37/2019)

2.Deepamoorthy

..Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.106 of 2023 on the file of the Judicial Magistrate Court No.II, Chidambaram in respect of the petitioner herein is concerned.

For Petitioner : Mr.K.Murugan

For Respondent : Mr.A.Gopinath
Government Advocate
(CrlSide)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 294(b), 341, 323, 506(i) and 325 of IPC.



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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. 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 framing of charges, at the time of questioning under Section 313 Cr.P.C, 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 under Section 88 of Cr.P.C before the Court below.



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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.106 of 2023 on the file of the Judicial Magistrate Court No.II, Chidambaram, within a period of six months from the date of receipt of a copy of this order. 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.

29.02.2024

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
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N.ANAND VENKATESH, J.

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To

1. Judicial Magistrate Court No.II, Chidambaram
2. Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
3. The Public Prosecutor,
High Court, Madras.

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