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Criminal Original Petition No.4602 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Criminal Original Petition No.4602 of 2024

A.Radhakrishnan
S/o.Arumugam

... Petitioner

Vs.

State of Tamil Nadu
represented by
The Deputy Superintendent of Police,
Crime Branch CID, Kancheepuram,
Kancheepuram.
Crime No.13/2010

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to direct the respondent to execute the witness warrant through appropriate authority and produce the LW-2 Mrs.Aishwaraya in C.C.No.7/2015, adjudication order dated 04.12.2023 pending on the file of learned Judicial Magistrate I, Chengalpet.

For Petitioner : Mr.M.Vimal Bobby Crimson
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed for a direction to the respondent police to execute the witness warrant that has been issued to



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LW-2 and to ensure the presence of LW-2 before the Court for deposing as a witness in the case pending in C.C.No.7 of 2015 on the file of learned Judicial Magistrate I, Chengalpet.

2. Heard Mr.M.Vimal Bobby Crimson, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. Learned counsel for petitioner submitted that all the other witnesses have been examined in this case except LW-2, who is staying in Malaysia and is not co-operating for completion of proceedings. It was further submitted that the Court below has already issued aailable warrant to secure LW-2 and in spite of the same, no effective steps have been taken by the respondent police to secure LW-2. Left with no other option, the present petition has been filed seeking for appropriate directions.

4. Learned counsel for petitioner submitted that the evidence of LW-2 is very vital in this case since she is alleged to be the Power of Attorney Agent of the original owner of the property, who is said to have



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impersonated in this case. Therefore, unless and otherwise LW-2 is examined before the Court, the prosecution will not be able to establish the charges against the accused persons.

5. Admittedly, in this case, LW-2 is now residing in Malaysia. If a direction is given to the respondent police to issue a Look Out Circular against LW-2 to secure her and bring her before the Court, it will take substantial time and further, delay the proceedings, which is pending from the year 2015 onwards. Therefore, in a case of this nature, the video conferencing platform can be effectively utilized. In view of the same, there shall be a direction to the learned Judicial Magistrate, Chengalpet, to fix a date for the examination of LW-2 through video conferencing. The respondent police shall be directed to get in touch with LW-2 in Malaysia and they will inform LW-2 the time and date fixed for her examination. If LW-2 co-operates for this procedure to be adopted, the examination of LW-2 can be completed and the Court below can proceed further to dispose of the case. If LW-2 does not co-operate for this procedure, there shall be a direction to the respondent police to act upon the bailable warrant issued by the Court below and take steps to issue

N.ANAND VENKATESH, J



Criminal Original Petition No.4602 of 2024

WEB COPY

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Look Out Circular in order to secure LW-2 and bring her to Court for deposing as a witness.

6. This Court is inclined to extend the time for completion of the proceedings in C.C.No.7 of 2015 for a further period of three (3) months from today.

This Criminal Original Petition is disposed of with the above direction.

27.02.2024

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Judicial Magistrate I, Chengalpet.

2.The Deputy Superintendent of Police,
Crime Branch CID, Kancheepuram,
Kancheepuram. Crime No.13/2010

3.The Public Prosecutor,
High Court, Madras.

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