



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.5109 of 2024
and CRL.M.P Nos.3717 & 3718 of 2024

Syed Alim Buhari

...Petitioner

Vs.

1.The State Rep. by:
The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
(Crime No.1319 of 2017)

2.Syed Mohamed Buhari

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in P.R.C.No.3 of 2022 pending on the file of Metropolitan Magistrate Court-II, Egmore, Chennai and quash the same.

For Petitioner : Mr.I.Abdul Basith

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

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 147, 341, 323, 364A, 384, 506(ii) of IPC read with 34 of IPC.



WEB COPY

2. One of the grievance that has been expressed by the learned counsel for the petitioner is that totally there are nine accused persons in this case and the petitioner alone is regularly appearing before the Court below and there has been no improvement in this case.

3. The learned Additional Public Prosecutor on instructions submitted that A8 is absconding in this case and the case has been split up insofar as A8 is concerned as PRC No.14 of 2022. The learned Additional Public Prosecutor submitted that the other accused persons are appearing in this case.

4. There shall be a direction to the learned Metropolitan Magistrate-II, Egmore, Chennai to commit the proceedings, within a period of six weeks from the date of receipt of copy of this order.

5. 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. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in *Bhajan Lal* case reported in (1992) Suppl (1) SCC 335. It is left open to the petitioner to raise all the grounds before the Court below



WEB COPY

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.

6. Accordingly, this Criminal Original Petition is dismissed with a direction to the Trial Court to complete the proceedings, 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 Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***. Consequently, connected miscellaneous petitions are closed.

11.03.2024

Index: Yes/No
Speaking order/Non-speaking Order
Neutral Citation: Yes/No
ssr



WEB COPY



N.ANAND VENKATESH, J

SSR

To

- 1.The Metropolitan Magistrate Court-II, Egmore, Chennai.
- 2.The Inspector of Police,
D-1, Triplicane Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

CRL.O.P No.5109 of 2024
and CRL.M.P Nos.3717 & 3718 of 2024

11.03.2024