



Crl.R.C.No.1179 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.1179 of 2024

and

Crl.M.P.No.9908 of 2024

N.S.Ganesh

... Petitioner

Vs.

The State Rep. By its
Inspector of Police,
Central Crime Branch-III,
Wing-22, Land grabbing Special cell-2,
Vepery, Chennai – 600 007.
(Crime No.144/2018)

... Respondent

Prayer : Criminal Revision Case filed under Section 397 and 401 Cr.P.C, praying to set aside the order passed in Crl.M.P.No.31215 of 2023 in C.C.No.4631 of 2023 dated 12th January, 2024, by the Additional Chief Metropolitan Magistrate for CCB CBCID Cases, Egmore, Chennai – 600 008.

For Petitioner : Mr.S.Jayakumar

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

WEB COPY This Criminal Revision Case is filed against the order passed in Crl.M.P.No.31215 of 2023 in C.C.No.4631 of 2023 dated 12.01.2024 on the file of the learned Additional Chief Metropolitan Magistrate for CCB CBCID Cases, Egmore, Chennai – 600 008.

2. The petitioner had filed a petition u/s 239 of Cr.P.C. seeking permission to discharge the petitioner/A3 in C.C.No.4631 of 2023 before the learned Additional Chief Metropolitan Magistrate for CCB CBCID Cases, Egmore, Chennai – 600 008 in Crl.M.P.No.31215 of 2023 in C.C.No.4631 of 2023, which was dismissed by the trial court vide impugned order, dated 12.01.2024. Challenging the same, the petitioner has filed the present revision.

3. Though very many grounds have been raised by the petitioner against the order impugned, however, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that the petitioner would contest the case and this Court, without going into the merits of the case may dispense with the appearance of the petitioner before the trial court.



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4. Though such a prayer has been sought for, however, it is to be pointed out that the presence of the petitioner cannot be dispensed with in toto.

In such view of the matter, this Court, without going into the merits of the case, directs that the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving copies u/s 207 and questioning u/s 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

5. Accordingly, this Criminal Revision Case is dismissed. However, the trial court is directed to complete the trial in C.C.No.4631 of 2023 as early as possible. Consequently, connected criminal miscellaneous petition is closed.

11.07.2024

Index : Yes / No
Speaking order / Non-speaking order
NCC : Yes / No
sp



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M.DHANDAPANI, J.

sp

To

- 1.The Additional Chief Metropolitan Magistrate for CCB CBCID Cases, Egmore, Chennai – 600 008.
- 2.The Inspector of Police, Central Crime Branch-III, Wing-22, Land grabbing Special cell-2, Vepery, Chennai – 600 007.
- 3.The Public Prosecutor, Madras High Court, Chennai.

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