



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

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THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5199 of 2024
and Crl.M.P.Nos.3871 & 3874 of 2024

Uthamaraj

... Petitioner

Vs.

1.State Rep. by: The Inspector of Police,
Land Corruption Investigation Branch-2,
Central Crime Branch,
Team – XXII, Veppery, Chennai – 07.
(Crime No.650 of 2021)

2.S.T.G.Gandharan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to in C.C.No.6821 of 2023 on the file of the Metropolitan Magistrate for the excluding trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro cases, Egmore, Chennai – 08 and quash the same.

For Petitioner : Mr.S.Arivazhagan

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



ORDER

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This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 419, 420, 465, 467, 468, 471, 474, 447 r/w.34 and 120(B) of I.P.C.

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. The facts of this case and grounds raised in 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 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,



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they are examined in Chief. The petitioner shall be present before the Court below at the time of framing charges, at the time of questioning under Section 313 Cr.P.C., at the time of passing of the final judgement and as and when required by the Court below. The petitioner is directed to execute a bond under Section 88 of Cr.P.C. before the Court below.

4. Accordingly, this criminal original petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.6821 of 2023, as expeditiously as possible. Consequently, the connected miscellaneous petitions are closed.

06.03.2024

Index: Yes/No
Internet: Yes/No
ssr

To

1. The Metropolitan Magistrate for the excluding trial of CCB Cases (relating to cheating cases in Chennai) and CBCID Metro cases, Egmore, Chennai – 08

2. The Inspector of Police,
Land Corruption Investigation Branch-2,
Central Crime Branch,
Team – XXII, Veppery, Chennai – 07.

3. The Public Prosecutor,
High Court of Madras,
Chennai.



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N.ANAND VENKATESH,J.

SSR

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