



WEB COPY



CrI.O.P.No.6548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM

THE HONOURABLE MR JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6548 of 2024

=

Nithya Chitty Babu

.. Petitioner

Vs.

The State Represented by
The Inspector of Police,
Central Crime Branch (EDF-I, Team I)
Vepery, Chennai 600 007

..Respondent

PRAYER : The Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the order dated 05.03.2024 in CC No.2150 of 2023 from the file of learned Metropolitan Magistrate Court(CCB &CBCID) Egmore, Chennai.

For Petitioner : Mr.D.Shivakumaran

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



WEB COPY



Crl.O.P.No.6548 of 2024

ORDER

This Criminal Original Petition has been filed challenging the charges framed against the petitioner by the Chief Metropolitan Magistrate Court on 05.03.2024, even without the presence of the accused persons.

2. When the matter came up for hearing on 21.03.2024, this Court passed the following order :-

Mr.A.Gopinath, learned Government Advocate (Crl.Side) takes notice for respondent.

2. *The main ground that has been raised by the learned counsel for the petitioner is that on 05.03.2024, in the absence of A3 to A5, the Court below has proceeded further to frame the charges for offence under Section 406 and 420 r/w.34 of IPC This procedure adopted by the Court below has been put to challenge in the present petition.*

3. *There shall be a direction to the learned Metropolitan Magistrate for exclusive trial of CCB and CBCID cases to submit a report before this Court as to whether the charges were framed on 05.03.2024, in the absence of accused persons. The daily status order on 05.03.2024 clearly shows that none of the accused persons were present in the Court. On receipt of the report, further*



orders will be passed in this petition.

4. *Post this case under the same caption on 28.03.2024.*

The Registry is directed to follow up with the Court and get the report by then. Till then, the Court below shall keep the proceedings in abeyance.

3. Pursuant to the above order, a report has not been received from the Metropolitan Magistrate, CCB CBCID cases, Egmore on 27.03.2024. On going through the report, it is seen that the learned Magistrate has framed the charges even without the presence of the accused persons. Hence, the very framing of charges is illegal and is liable to be interfered by this Court. Accordingly, the charges framed by the learned Chief Metropolitan Magistrate Court on 05.03.2024 for offence under Section 406, 420 r/w. 34 of IPC is hereby set-aside. There shall be a direction to the learned Chief Metropolitan Magistrate Court to strictly follow the procedure under Cr.PC before framing the charges and proceed further in accordance with law.



Crl.O.P.No.6548 of 2024

WEB COPY 4. This Criminal Original Petition is disposed of the above terms.

Index : Yes/No
Internet : Yes/No
rka

28.03.2024



WEB COPY



Crl.O.P.No.6548 of 2024

N.ANAND VENKATESH, J.

rka

To

1. Metropolitan Magistrate Court(CCB &CBCID) Egmore, Chennai.

2.The State Represented by
The Inspector of Police,
Central Crime Branch (EDF-I, Team I)
Vepery, Chennai 600 007

3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.6548 of 2024

28.03.2024