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CrI.O.P.No.6783 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.6783 of 2024

Elaiyaraja

... Petitioner

Vs.

1.The State, Represented by:-
The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.

2.Block Development Officer,
Melbhuvanagiri Panchayath Union
Cuddalore District.

... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to call for the records in C.C.No.293 of 2017 pending on the file of the Hon'ble Judicial Magistrate – I, Cuddalore in Crime No.156 of 2016 on the file of the first respondent Sethiyathope Police Station, Cuddalore and to quash the entire proceedings against the petitioner.

For Petitioner : Mr.K.S.Harish
For Respondents : A.Gopinath for R1
Government Advocate (CrI. Side)

O R D E R

This criminal original petition has been filed challenging the



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proceedings initiated by the respondents against the petitioner under Sections 409, 420 r/w.120B of I.P.C.

2.The grounds raised by the counsel for the 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. It is left open to the petitioner to raise all the grounds before the Court below 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.In the instant case, the Calender Case is of the year 2017. The charges were framed in the year 2018 and from the year 2021 onwards the case is at the stage of trial. Till now, not even a single witness has been examined in this case. This Court is not inclined to interfere with the proceedings considering this fact also.

4.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



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cross examine the witnesses on the same day, they are examined in Chief. The petitioner shall be present before the Court below 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.

5. Accordingly, this criminal original petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.293 of 2017, within a period of four months from the date of receipt of a copy of this order. 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 (CrI) 288 SC]***. If the petitioner adopt 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)***.

20.03.2024

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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N.ANAND VENKATESH,J.
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To

- 1.The Judicial Magistrate – I,
Cuddalore.
- 2.The Inspector of Police,
Sethiyathope Police Station,
Cuddalore District.
- 3.The Block Development Officer,
Melbhuvanagiri Panchayath Union
Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

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