



Crl.R.C.No.1163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.1163 of 2024
and Crl.M.P.No.9704 of 2024**

Ansari

... Petitioner

Vs.

The State,
Represented through the Inspector of Police,
Central Crime Branch (Team-16),
Land Grabbing Prevention Wing-II,
Vepery, Chennai-600 007.
Crime No.503 of 2011

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to call for the records in connection with the order dated 12.04.2024 in Crl.M.P.No.28880 of 2023 in C.C.No.5417 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases, Egmore, Chennai, and set aside the same as illegal.

For Petitioner : Mr.S.Mohamed Ansar

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



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ORDER

This criminal revision case has been filed to set aside the order dated 12.04.2024 made in Crl.M.P.No.28880 of 2023 in C.C.No.5417 of 2023 on the file of the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases, Egmore, Chennai.

2. The petitioner has filed a petition u/s 239 of Cr.P.C. seeking to discharge him from the charges under Sections 465, 467, 468, 471, 417, 447 r/w. 120B r/w. 109 IPC before the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases, Egmore, Chennai, which was dismissed by the trial Court vide impugned order, dated 12.04.2024. 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



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that the petitioner would contest the case before the trial Court and this Court, without going into the merits of the case, may dispense with the appearance of the petitioner before the trial court and grant liberty to the petitioner to raise all the grounds raised in the present petition before the trial Court.

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 under Section 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. Liberty is granted to the petitioner to raise all the grounds raised in the present petition before the trial Court.



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5. Accordingly, this Criminal Revision Case is dismissed.

Connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The learned Metropolitan Magistrate for Exclusive Trial of CCB Cases,
Egmore, Chennai.

2. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

ssb

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