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Crl.O.P.No.29286 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.No.29286 of 2022
and Crl.M.P.Nos.17926 and 17929 of 2022

Aravind Raj

... Petitioner

Vs

1. The Inspector of Police,
CCB-36,
Job Rocketing Special Team,
Veppery, Chennai – 600 007.
(Cr.No.443 of 2013)

2. A.Srinath

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, pleaded to call for entire records concerned in C.C.No.8889 of 2022 on the file of the Judicial Metropolitan Magistrate, CCB and CBCID Court, Egmore, Chennai – 600 008 and quash the same insofar as the petitioner is concerned.

For Petitioner	: Mr.C.Prakasam
For R1	: Mr.S.Santhosh Government Advocate (Crl.side)
For R2	: No Appearance



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ORDER

WEB COPY This Criminal Original Petition has been filed to quash the proceedings in C.C.No.8889 of 2022, on the file of the Judicial Metropolitan Magistrate, CCB and CBCID Court, Egmore, Chennai – 600 008.

2. It is the case of the prosecution that the petitioner and two others were running Man Power Agency in the name and style of SSS HR Management. The petitioner had promised the defacto complainant and other complainants to arrange job opportunity and believing the words of the petitioner, the complainants paid the amount totally to the tune of Rs.25,70,000/-. Thereafter, the accused failed to arrange any job and issued bogus appointment order. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the petitioner has settled the said amount to the defacto complainant.

4. Mr.S.Santhosh, learned Government Advocate (CrI.side) would submit that apart from the defacto complainant, there are about 21 other victims in this case and the trial has to go to know whether the petitioner has settled the amounts for them.



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WEB COPY 5. Heard the learned counsel on either side and perused the materials available on record.

6. Having perused and examined the grounds raised by the petitioner, which are factual in nature, this Court is not inclined to intervene and interdict the trial at this stage. There is no merit in the quash petition.

7. At this juncture, the learned counsel for the petitioner seeks permission to withdraw the quash petition. However, he would seek the presence of the petitioner before the Trial Court may be dispensed with.

8. The learned Government Advocate (Crl.side) submitted that there are 21 victims in this case.

9. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to the charges and at the time of framing charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment



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and whenever insisted upon by the trial court.

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10. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event that his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in **2001 (4) SCC 667**.

11. Accordingly, this Criminal Original Petition is dismissed.
Consequently, connected miscellaneous petitions are closed.

27.11.2024

mn

Index : Yes / No

Internet : Yes / No



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1. The Judicial Metropolitan Magistrate,
CCB and CBCID Court,
Egmore, Chennai – 600 008.
2. The Inspector of Police,
CCB-36,
Job Rocketing Special Team,
Veppery, Chennai – 600 007.
3. The Public Prosecutor,
High Court of Madras.



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A.D. JAGADISH CHANDIRA,J.,

mn

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