



Crl.O.P.No.2295 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.2295 of 2024

D.Loganathan

... Petitioner

Vs.

The State rep.by

Inspector of Police,

Central Crime Branch-Tiruppur

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.355 of 2023 on the file of the Judicial Magistrate III, Tirupur, and quash the charges against the petitioner-A3 alone.

For Petitioner : Mr.G.Saravanakumar

For Respondent : Mr.A.Gopinath
Government Advocate
(CrlSide)

ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 120B, 406, 465, 417 and 420 of IPC.



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



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4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in C.C.No.355/2023, on the file of the Judicial Magistrate III, Tirupur, as expeditiously as possible. 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 (Crl) 288 SC]*. If the petitioner adopts 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)*. Consequently, connected miscellaneous petition is also closed.

22.08.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
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To

1. The Judicial Magistrate III, Tirupur
2. Inspector of Police,
Central Crime Branch-Tiruppur
3. The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J.

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