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CrI.O.P.Nos.743 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.1.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.743 of 2024
and CrI MP Nos.737 & 738 of 2024

S.Thangarasu

... Petitioner

Vs.

1.State, Rep. by
The Inspector of Police
DDB Police Station
Kallakurichi
(Crime No.11/2018)

2.S.Ramasamy
S/o.Sivapragasam
South Street, Kannagur Village
Kallakurichi Taluk and District

...Respondents

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the C.C.No.44/2019 on the file of the learned Judicial Magistrate No.1, Kallakurichi and quash the same.

For Petitioner : Mr.R.Baskar



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For Respondent : Mr.A.Damodaran
Addidtonal Public Prosecutor

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Section 423, 467, 468, 471 of IPC and 82(d) of Tamil Nadu Registration Act, 1908.

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. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in Bhajan Lal case reported in (1992) Suppl (1) SCC 335. It is left open to the petitioner to raise all the grounds before the Court 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 questioning under Section 313 Cr.P.C and at the time of passing of the final judgement.

4. The learned Additional Public prosecutor on instructions submitted that the trial has already commenced and two witnesses have already been examined in Chief.

5. Accordingly, this Criminal Original Petition is dismissed and the Court below is directed to complete the proceedings in C.C.No.44 of 2019, within a period of four months from the date of receipt of 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 (Crl) 288 SC]**. If the petitioner adopts



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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 petitions are also closed.

22.01.2024

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N.ANAND VENKATESH,J

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No

To

1.The Judicial Magistrate No.1,
Kallakurichi

2.The Public Prosecutor,
Madras High Court.

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and Crl MP Nos.737 & 738 of 2024

22.1.2024