



Crl.O.P.(MD)No.3742 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.3742 of 2020

and

Crl.M.P.(MD) No.2036 of 2020

1.Ganesan
2.Esakkiammal @ Thamayanthi
3.Anandh

... Petitioners/
Accused Nos.1 to 3

Vs.

1.The Sub Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.331 of 2017)

... 1st Respondent/
Complainant
... 2nd Respondent/
Defacto Complainant

2.P.Rajamani

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.C.No.331 of 2021 pending on the file of the Additional District Court, Tenkasi and quash the proceedings against the petitioners.

For Petitioners : Mr.C.Christopher

For Respondents : Mr.S.Ravi
Additional Public Prosecutor
for R1



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ORDER

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This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 3 of the Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992.

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 petitioners. Taking into consideration, the facts and circumstances of the case, the presence of the petitioners are dispensed with and they shall be represented by a counsel. The petitioners shall be present before the Court at the time of framing of charges and at the time of questioning under Section 313 of Cr.P.C., and



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at the time of passing of the judgment. The counsel representing the petitioners shall cross examine the witnesses on the same day they are examined in Chief.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in S.C.No.331 of 2021, within a period of three 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 (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.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

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To

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- 1.The Sub Inspector of Police,
Alangulam Police Station,
Tenkasi District.
- 2.The Additional District Court, Tenkasi.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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Dated: 11.11.2024