



Crl.O.P.(MD)No.12518 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.12518 of 2021

and

Crl.M.P.(MD) Nos.6399 and 6400 of 2021

Keens

... Petitioner/
Accused

Vs.

1.State rep.by
Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.

... Respondent/
Complainant

2.Ibrahim Khan

... Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.92 of 2021 pending on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and quash the proceedings against the petitioner as illegal.

For Petitioners : Ms.S.Prabha

For Respondents : Mr.A.Albert James
Government Advocate (Crl.) for R1



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ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Section 67 of Information Technology Act.

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. The petitioner shall be present before the Court at the time of framing of charges and at



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the time of questioning under Section 313 of Cr.P.C., and at the time of passing of the judgment. The counsel representing the petitioner 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 C.C.No.92 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 petitions are also closed.

06.11.2024

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

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To

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- 1.Sub Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
- 2.The Judicial Magistrate,
Padmanabhapuram, Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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