



Crl.O.P.(MD)No.15626 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.15626 of 2020

and

CrI.M.P.(MD) No.7650 of 2020

R.Christopher Samuel

... Petitioner/
Accused

Vs.

1.G.Muthulakshmi
2.The Inspector of Police,
Melur Police Station,
Madurai City.

3.The Inspector of Police,
Tallakulam Police Station,
Madurai City.

... Respondents
Complainant

(R2 and R3 are *suo motu* impleaded
as per order dated 12.08.2024)

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in S.T.C.No.415 of 2019 pending on the file of the learned Judicial Magistrate No.1 cum Fast Track Court, Madurai and quash the same.

For Petitioner	: Mr.Niranjan S.Kumar
For Respondents	: Mr.B.Thanga Aravindh Government Advocate (Crl.) for R2 and R3 Mr.R.Karunanithi 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 4 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

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 the time of questioning under Section 313 of Cr.P.C., and at the time of



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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 S.T.C.No.415 of 2019, 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.

12.11.2024

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



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To

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- 1.The Inspector of Police,
Melur Police Station,
Madurai City.
- 2.The Inspector of Police,
Tallakulam Police Station,
Madurai City.
- 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: 12.11.2024