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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Crl.O.P(MD)No.17230 of 2022
and
Crl.M.P(MD)Nos.11652 and 11653 of 2022

Syed Ameenudeen

... Petitioner

Vs

1. The Inspector of Police,
Q-Branch Cid, Pudukottai,
Pudukottai District. Crime No.1 of 2012.

2. Menon @ Indira Menon

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for records pertaining to the case in Spl.C.C.No.1 of 2015 on the file of the Chief Judicial Magistrate, Pudukkottai.

For Petitioner : Mr.Ramasamy S,

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



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ORDER

This petition has been filed challenging the proceedings in Spl.C.C.No.1 of 2015, on the file of the learned Chief Judicial Magistrate, Pudukottai, for the offence under Section 120(B), 342, 385, 467, 468, 471 and 473 IPC and Section 12(1)(A)(b) and 12(2) of Passport Act r/w Section 13(1)(d) of PC 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 they 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 (1)(b) of Cr.P.C and at the time of passing of the final judgement and as and when required.

4. Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in Spl.C.C.No.1 of 2015 within a period of six 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 closed.

11.12.2024

Internet :Yes
Index :Yes/No
NCC :Yes/No
LR



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To

1. The Chief Judicial Magistrate, Pudukkottai.
2. The Inspector of Police,
Q-Branch Cid, Pudukottai,
Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

LR

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