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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2024

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

Crl.O.P(MD)No.17970 of 2022

and

Crl.M.P(MD)Nos.12010 and 12011 of 2022

Immanuel

... Petitioner

Vs

1. The Inspector of Police,
CCIW, Ramanathapuram, Ramnad District.
(Cr No.01/2018).

2. The Deputy Registrar,
Co-Operative, Ramanathapuram,
Ramnad District.

... Respondents

PRAYER: Criminal Original petitions have been filed under Sections 439 (1) (b) of the Code of Criminal Procedure, to call for the records of the impugned proceedings in CC No.13/2022 on the file of Judicial Magistrate No.1, Ramanathapuram and quash the same in so far as petitioner concerned.

For Petitioner : Mr.Edin Brough P,

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



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ORDER

This petition has been filed challenging the proceedings in C.C.No.13 of 2022, on the file of the learned Judicial Magistrate No.I, Ramanathapuram, for the offence under Sections 408, 409, 420, 465, 468, 471, 477A, 120B and 109 of IPC.

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



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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 C.C.No.13 of 2022 within a period of nine 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 Judicial Magistrate No.1,
Ramanathapuram.

2. Inspector of Police,
CCIW, Ramanathapuram, Ramnad 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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