



Crl.O.P.(MD)No.10300 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.01.2025**

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.10300 of 2021

and

Crl.M.P.(MD) No.5275 and 5276 of 2021

Manoj Kumar

... Petitioner/
Accused No.2

Vs.

R.Chandrasekar

... Respondent/
Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Spl.S.C.No.4 of 2021 pending before the learned I Additional and Sessions Court (PCR), Tiruchirappalli and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.V.M.Jegadeesha Pandian
For Respondent : Mr.P.Ganapathi Subramanian

ORDER

This petition has been filed challenging the proceedings initiated by the respondents against the petitioner under Sections 294(b), 324, 354, 425, 427, 447, 448, 506(ii) of IPC and Sections 3(1)(p), 3(1)(r) (s), 4(1) of the SC/ST (PoA) Act.



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2.The grounds raised by the learned counsel for the petitioner is 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, questioning under Section 313(i)(b) of Cr.P.C., and at the time of passing of the judgment and as and when required by the trial Court.

4.Accordingly, this Criminal Original Petition is disposed of with a direction to the Court below to complete the proceedings in



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Spl.S.C.No.4 of 2021, 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 petitioners adopt any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioners 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.

21.01.2025

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

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To

1. I Additional and Sessions Court (PCR), Tiruchirappalli.



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N.ANAND VENKATESH,J.

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