

IN THE COURT OF METROPOLITAN MAGISTRATE,
(For Exclusive trial of cases registered and investigated by CCB Greater
chennai police)
Egmore, Chennai -8.

Present: Tr. M. Dayalan, M.L.,
Metropolitan Magistrate, Additional Court for CCB Cases

C.C.No.4720/2020, in CNR.No.TNCH0F-019137-2020

This Saturday, 08th day of June 2024

State Rep. by,

Inspector of Police,
Bank Fraud Investigation Wing,
Central Crime Branch,
Vepery, Chennai-07,
Cr.No.30/2011.

-Petitioner/Complainant

Karthik @ Kamal @ Karthik Kumar,
S/o.Kumar,
No.5/3, Nataraja Street,
Pammal, Chennai.

-Respondent/Accused

*This Petition was taken on file on 08.06.2024 Mr.Selvaraj (IC),
Learned APP appearing for Petitioner/complainant.*

ORDER

1. The prosecution has been filed this petition U/s.321 Cr.P.C. to permit the prosecution to withdraw the case.

2. In the petition, it is stated that the respondent/Accused is facing charge U/s.420, 465, 468, 471 IPC the case is pending for the past several years without any progress for the non appearance of the accused who has not appeared before this court for the past 5 years NBW was issued by this court against the respondent/accused since the address furnished by the respondent/accused and sureties are found bogus all the effective steps taken to

secure the Accused has ended in vain. NBW was not still executed by the prosecution. The pendency of the case would incur unnecessary expenditure of State and waste of judicial time; the steps taken by the police to secure the Accused has ended in vain and hence the present application to permit the prosecution to withdraw the case.

3. Now the point to be decided in this application is that whether the present application under Sec.321 Cr.P.C., has to be allowed or not?

1. Heard. Entire records perused. From the perusal of entire case records, it is clearly reveals that the respondent/accused are facing charge **U/s. 420, 465, 468, 471 IPC** and the case is pending for the past **5** years without any progress for non appearance of the respondent/Accused and the prosecution has taken proper steps to ensure the presence of the Accused and the NBW was not executed by the respondent police till the date and the action taken to secure the presence of the Accused also ended in vain. On perusal of records and also submission made by the prosecution, it is found that the NBW was pending for the past **5** years against the Accused and there is no possibility for taking action against surety. The Accused has no permanent place of residence. All efforts were taken to trace out the Accused and there is no progress in this case for the past **5** years and there is no recovery and no case property and there is no loss to the Government. It is also clear that there is no loss and hardship to the State, if the case is disposed. Further, the valuable time of the court can also be saved.
2. Further, it is also verified that the address of the Accused also not traceable and also could not take steps under sections. 82, 83 and 446

of Cr.P.C., The reasons stated in the petition are acceptable. Hence, consent is to be given for withdrawal of the case against the respondent/Accused and the prosecution is also consented and permitted to withdraw the case. As per Sec.321(b) of Cr.P.C, if the order of withdrawal is passed before framing of charge, the accused has to be Discharge

3. Further, the charge was not framed against the accused and the case is dismissed as withdrawn.
4. **In the result, this petition is allowed and the case is dismissed as withdrawn and further the prosecution is permitted to re-open the case whenever accused traced.**

Property Order: *No case properties in this case.*

// This order is dictated by me to the Steno-Typist, and typed by him directly, corrected and pronounced by me in the Open Court on this Saturday, the 08th day of June 2024 / /

Metropolitan Magistrate,
Additional Court for CCB Cases,
Egmore, Chennai-08 .