

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.7.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 315 of 2015
and
M.P. No. 1 of 2015

R.Mani

.. Petitioner

Versus

1. The City Public Prosecutor
City Civil Court Buildings
Chennai -600 104

2. M.J.Akbar
3. Rajeev
4. A.Anand Natarajan
5. S.S.Senthilnathan
6. Banumathi
7. S.Senthil Kumar
8. Manoj Sharma
9. Anil Fernandas

.. Respondents

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. to call for the records relating to the order dated 18.2.2015 in CrI.MP.No.15259 of 2013 in C.C.No.11 of 2012 on the file of the Hon'ble Principal Sessions Judge, Chennai set aside the same and consequently dispense with the personal attendance of the petitioner.

For Petitioner : Mr. Sundarnarayan
For R1 : Mr. Mr.Shanmugavelayutham
Assisted by
Mr. T.Arul, Government Advocate

ORDER

The first respondent has preferred complaint under Section 199 (2) of Cr.P.C. for offences punishable under Section 500 and 501 IPC. The case was taken on file and summons were issued. The petitioner has also entered appearance on 25.9.202. Pending trial, the petitioner herein filed a petition under Section 205 of Cr.PC. to dispense with the personal appearance of the petitioner and permit him to appear by a counsel and the same was dismissed by the court below on the ground that the matter was ceased of by this Court.

2. The learned counsel for the petitioner submitted that the petitioner and other accused have filed writ petitions in WP.No.25706 of 2012 and 25739 of 2012 and this Court, by order dated 21.9.2012, dispensed with the personal appearance of the other accused and since the petitioner was the author of the article, he was directed to appear before the Court. Pursuant to the said order, the petitioner is regularly appearing before the Court below and some occasions, his personal appearance was dispensed with under Section 317 Cr.PC. The learned counsel for the petitioner further submitted that since the petitioner has to travel to various places to gather news, he is unable to appear before the Court below regularly and, therefore, he has filed petition under Section 205 Cr.P.C. to dispense with his personal appearance. However, the same was dismissed by the Court below mainly on the ground that the matter is ceased of by this Court. The learned counsel for the petitioner has given an undertaking that the petitioner will appear before the Court below as and when required.

3. The learned Public Prosecutor submitted that on several occasions, the petitioner has filed petition under Section 317 Cr.PC and the same was allowed by the Court below. The present petition has been dismissed by the Court below only on the ground that the writ petition is pending before this Court.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor appearing for the respondent and perused the materials available on record.

5. Admittedly, it is the discretion of the Court to decide the petition filed under Section 205 of Cr.PC. However, since the matter is pending before this Court, the Court below dismissed the petition. Now, the petitioner undertakes to appear before the Court as and when required. Therefore, recording the above said undertaking, the Criminal Revision case is allowed. Consequently, connected miscellaneous petition is closed.

6. It is represented that the case is posted on 06.8.2015. Therefore, the petitioner is directed to appear before the Court below on 06.8.2015 and file a fresh petition under Section 205 of Cr.PC. and on that day, the trial Court shall pass appropriate orders on the said petition.

Sd/-Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

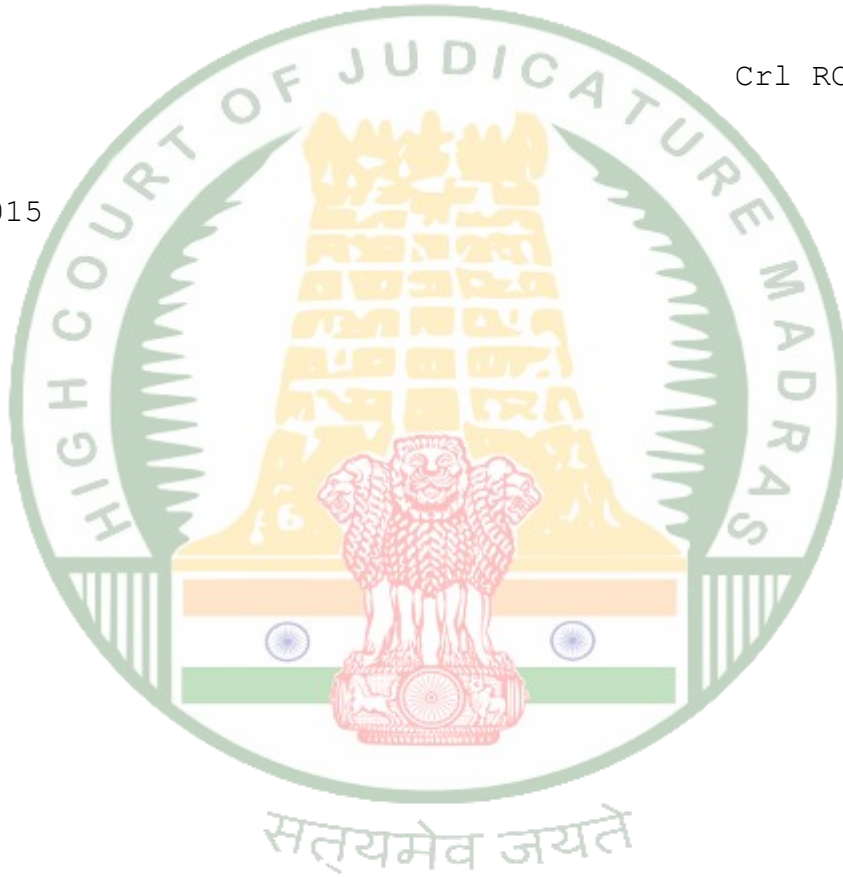
To

1. Principal Sessions Judge, Chennai.
2. Public Prosecutor, High Court, Chennai

+1 cc to the Public Prosecutor, High Court Madras
sr.36283

Cr1 RC No. 315 of 2015

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