

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-07-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 715 of 2015

Habib Abdul Latif

... Petitioner

Versus

The State
rep. by its Inspector of Police
T1 Ambattur Police Station
Ambattur, Chennai.

... Respondent

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the order passed by the learned Judicial Magistrate, Ambattur, in the application filed by the petitioner under Section 205 Cr.P.C. to dispense with the presence of the petitioner in C.M.P.No.5169 of 2015 in C.C.No.234 of 2010, dated 05.05.2015.

For Petitioner : Mr.M.Venkatachalapathy
Senior Counsel
for Mr.R.Gopinath

For respondent : Mr.V.Arul
Government Advocate
(Criminal Side)

ORDER

This Criminal Revision Case is filed against the order dated 05.05.2015 passed by the learned Judicial Magistrate, Ambattur, in an application filed by the petitioner in C.M.P.No.5169 of 2015 in C.C.No.234 of 2010 under Section 205 Cr.P.C. seeking to dispense with the presence of the petitioner.

2. According to the petitioner, he has been arrayed as accused No.4 in connection with the case in Cr.No.967 of 2007 registered for the offences under Sections 405, 406, 419 and 420 IPC, which is pending trial. Seeking to dispense with the personal appearance of the petitioner and allow the petitioner to be represented through his counsel in C.C.No.234 of 2010, the petitioner has filed a petition under Section 205 Cr.P.C. before the Trial Court and the same was dismissed. As against the same, the present Criminal Revision Case is filed.

3. Today, when the matter is taken up, Mr.M.Venkatachalapathy, learned senior counsel appearing for the petitioner would submit that

the petitioner is aged 55 years and he is suffering from ailment and taking medical treatment and therefore, the personal appearance of the petitioner before the Trial Court may be dispensed with and he may be allowed to be represented through his counsel. The learned counsel would further submit that the petitioner undertakes to appear on the dates as and when required and also on the important dates including the receiving of copy of chargesheet etc.

4. Mr.V.Arul, learned Government Advocate (Criminal Side) would submit that taking into consideration the age of the petitioner and health condition alone, the personal appearance of the petitioner before the Trial Court may be dispensed with, excepting on those dates when his personal appearance is required.

5. Heard both sides. By consent, the main Criminal Revision Case itself is taken up for final disposal at the stage of admission itself.

6. Taking into consideration of the fact that the petitioner is aged 55 years and he is suffering from ailment and taking medical treatment, this Criminal Revision Case is allowed and the order passed by the Trial Court dated 05.05.2015 is set aside and the petition filed under Section 205 Cr.P.C. before the Trial Court is allowed and the personal appearance of the petitioner in person before the Trial Court during the course of trial is dispensed with on all dates of hearing and he is permitted to appear through his counsel, except on dates when his personal appearance is required. It is made clear that the petitioner shall appear before the Trial Court as and when required and on all important dates, including at the time of receiving the copy of the chargesheet etc. and would also co-operate with the trial.

Sd/-
Assistant Registrar(CS IV)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

paa

To

1. The Inspector of Police
T1 Ambattur Police Station
Ambattur, Chennai.
2. The Judicial Magistrate,
Ambattur.

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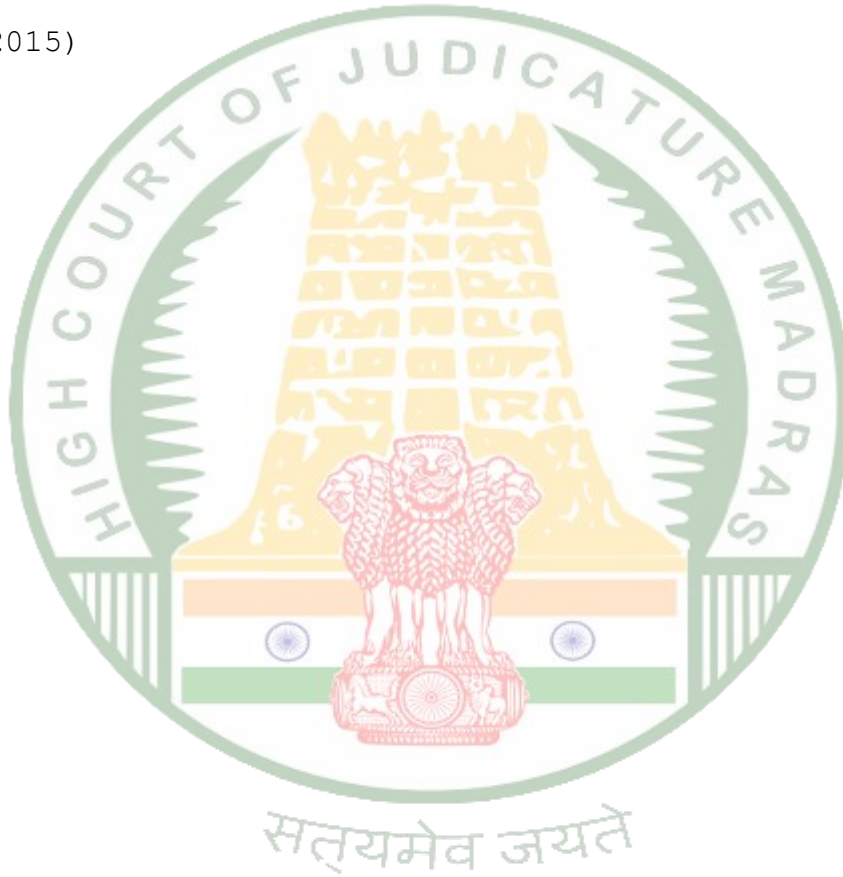
3. Do - Through The Chief Judicial Magistrate,
Chennai.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.36453

Criminal Revision Case No. 715 of 2015

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CA(29/07/2015)



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