

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10047 of 2016

and

Crl.MP.No.5342 of 2016

Iniyavan @ Ramachandran

... Petitioner

Vs.

1. The State rep. By
Inspector of Police,
Ambur Town Police Station,
Vellore District.

2.K.Krishnaveni
Sub-Inspector of Police,
Town Police Station,
Ambur, Vellore Dt.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in C.C.No.58 of 2015 on the file of the learned Judicial Magistrate, Ambur, Vellore District and quash the same as illegal.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C. Emalias
Additional Public Prosecutor

सत्यमेव जयते
ORDER

This petition has been filed to call for the records in C.C.No.58 of 2015 on the file of the learned Judicial Magistrate, Ambur, Vellore District and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. On a reading of the final report filed by the respondent, it is seen that there are prima facie material to proceed with the prosecution and the same cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in State of

Haryana vs. Bhajan Lal [AIR 1992 SC 604]. Hence, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

4. At this juncture, the learned counsel for the petitioner seeks permission for dispensing with the personal appearance of the petitioner in the Trial Court.

5. Recording the submission of the learned counsel for the petitioner, this Court directs the petitioner to appear before the trial Court, for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313 Cr.P.C., and at the time of passing judgment. The petitioner shall file an affidavit of undertaking before the trial Court that he will not dispute his identity and that his counsel will cross-examine the prosecution witness on the day, he is examined in-chief and that he will not adopt dilatory tactics. On such undertaking, the trial Court shall dispense with the personal appearance of the petitioner. If the petitioner adopts any dilatory tactics, the trial Court can insist on his presence or even remand him to custody as held by the Hon'ble Supreme Court in State of Uttarpradesh Vs Shambu Nath Singh reported in JT 2001[4] SC 319.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The State rep. By
Inspector of Police,
Ambur Town Police Station,
Vellore District.

2.K.Krishnaveni
Sub-Inspector of Police,
Town Police Station,
Ambur, Vellore Dt.

3. The Public Prosecutor
High Court, Madras.

+1cc to M/S.Sankarasubbu, Advocate Sr.31145

Cr1.O.P.No. 10047 of 2016

Rp[co]
srg 13/07/2016