

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.34 of 2016

&

Crl.M.P.No.210 of 2016

Krishnan .. Petitioner/Petitioner  
Accused

vs.

Gurumurthy ... Respondent/Respondent/  
Respondent

Criminal Revision filed under section 397 and 401 Cr.P.C. against the order dated 02.02.2015 passed by the Judicial Magistrate No.II, Chidambaram in C.M.P.No.1436 of 2014 in S.T.C.No.24 of 2014.

For Petitioner : Mr.R.Kannan

For Respondent : Mr.K.V.Sridharan

O R D E R

This revision challenges the order passed by the learned Judicial Magistrate No.II, Chidambaram dated 02.02.2015 passed in C.M.P.No.1436 of 2014 in S.T.C.No.24 of 2014.

2. The petitioner, who is an accused in a case pending trial in S.T.C.No.24 of 2014 for offence under Section 138 of the Negotiable Instruments Act, has moved a petition under Section 205 Cr.P.C towards dispensing with his presence before the trial Court on all hearing dates. Such petition stands dismissed giving rise to this revision.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. The order of the Court below informs that as the petitioner is a practicing lawyer 'here' there would be no difficulty in appearing before the Court below. The consideration informed by the Court below totally is erroneous. The provision of law requiring the presence of an accused in the

course of trial is one for his benefit. Being present in Court would enable an accused to follow the proceedings and appropriately instruct his counsel to his advantage.

5. The criminal revision petition is allowed and order of the learned Judicial Magistrate No.II, Chidambaram dated 02.02.2015 shall stand set aside. This Court directs the trial Court to dispense with the personal appearance of petitioner before it, upon his swearing to an affidavit informing his address for service, that he duly would be represented by his counsel on all hearing dates, that he would, at no instance, dispute his identity and that, he would appear before the trial court as and when required. Upon the petitioner doing so, the trial court may seek the presence of the petitioner before it, solely on the important hearing dates. Such requirement may be informed through his counsel and by recording the same in the proceedings of the Court. Taking into consideration the submission of the learned counsel for the respondent, this Court would direct the trial Court to dispose of the case in S.T.C.No.24 of 2014 as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gpa

To

Judicial Magistrate No.II  
Chidambaram

+lcc to Mr.R. Kannan, Advocate, S.R.No.1537

+lcc to Mr.K.N. Sridharan, Advocate, S.R.No.2013

BVR(CO)  
EU(03/03/2016

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