



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

CORAM:

THE HON'BLE MR.JUSTICE A.M.BASHEER AHAMED

Crl.R.C.(MD)No.130 of 2017
and Crl.M.P.(MD)No.1249 of 2017

J.Sajjad Ali

... Petitioner/A4

Vs.

State Rep by Inspector of Police,
Kottar Police Station,
Kanyakumari,
Kanyakumari District.

... Respondent/Complainant

Prayer: Petition filed under Section 482 of Cr.P.C. to call for the records in Crl.M.P.No.4620 of 2016 dated 22.12.2016 in P.R.C.No.25 of 2016 passed by the learned Judicial Magistrate No.II, Nagercoil and set aside the same.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Kannithevan, G.A.(Crl.side)

O R D E R

This Criminal Revision petition is filed to set aside the order dated 22.12.2016 passed in Crl.M.P.No.4620 of 2016 in P.R.C.No.25 of 2016 by the learned Judicial Magistrate No.II, Nagercoil.

2.The learned counsel for the petitioner is present. The learned Government Advocate (Crl.side) appearing for the respondent is also present.

3.On perusal of the order of the Trial Court, it reveals the fact that the petitioner was unable to appear before the Trial Court on every hearing since he is working as a coolie and hence, it just and necessary to dispense with the personal appearance of the petitioner herein. However, the Trial Court dismissed the application filed by the petitioner herein. Against that order of dismissal, the present revision is preferred by the petitioner /



4.The learned counsel for the petitioner submitted that the petitioner failed to raise the medical grounds before the Trial Court and hence, he seeks permission to dispense with the personal appearance of the petitioner before the Trail Court on medical ground by filing separate application.

5.The learned Government Advocate (Crl.side) submitted that he has no objection in allowing this Criminal Revision Case.

6.Considering the facts and circumstance of the case and also the reasons assigned in the affidavit, this Court is not inclined to allow this Criminal Revision Case. Accordingly, this Criminal Revision Case is dismissed, directing the petitioner to file a fresh application for dispensing with the personal appearance by raising medical ground as stated in this Criminal Revision Case. Consequently, connected Crl.M.P.is closed.

Sd/-

ASSISTANT REGISTRAR(writs)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Judicial Magistrate No.II, Nagercoil.

2.The Inspector of Police,
Kottar Police Station, Kanyakumari, Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.T.LAJAPATHI ROY,ADVOCATE,SR NO.52753

nbj

MAS/RR/SAR3:02.05.2017:2P-5C

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