



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Crl.RC(MD)No.290 of 2017

Kannan : Petitioner / A4

Vs.

The State Represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

: Respondent / Complainant

Prayer: Revision is filed under Section 397 r/w 401 of Cr.P.C., praying to call for the records pertaining to the case in Crl.M.P.No.1923 of 2015 in C.C.No.69 of 2010, dated 24.03.2015 on the file of the Learned Judicial Magistrate, Aranthangi set aside the same.

For Petitioner : Mr.P.M.Vishnuvarthan

For Respondent : Mr.P.Kannithevan
Govt.Advocate (crl.side)

ORDER

This Criminal Revision Case is filed praying to set aside the order made in Crl.M.P.No.1923 of 2015 in C.C.No.69 of 2010, dated 24.03.2015, on the file of the Learned Judicial Magistrate, Aranthangi.

2. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for the respondent.

3. The present Revision is filed against the order dismissal passed by the Trial Court in Crl.M.P.No.1923 of 2015, dated 24.03.2015. The said petition was filed under Section 205 of Cr.P.C., dispensing with the personal appearance of the petitioner, who is arrayed as A4, in C.C.No. 69 of 2010, pending on the file of the learned Judicial Magistrate, Aranthangi, Pudukkottai



4. The learned Government Advocate(crl.side) appearing for the respondent has no serious objection regarding the relief, as sought for by the petitioner, in this Revision.

5. The learned counsel appearing for the petitioner filed documents to show that the petitioner is working, as a Technical Teacher in 'Sri Sai Construction Skill Development Centre' from 05.06.2012 to till date. There are totally 6 accused in this case and except the petitioner herein, the case is pending in summons stage against the other accused. The docket sheet proceedings maintained in C.C.No 63 of 2010 by the learned Judicial Magistrate, Arandhanki, Pudukkottai is also produced. On perusal of the said document, it reveals that summons to A1 to A5 and A6 are ordered and is pending for service for the past five years that is from 08.03.2010 to 20.04.2015. The learned counsel for the petitioner states that the petitioner and his brother have filed a Criminal Original Petition for Quashing the charge sheet in C.C.No.69 of 2010 and is also pending before this Court.

6. Considering the reasons assigned for dispensing with the appearance of the petitioner, since he is working in a private concern and he is regularly appearing in C.C.No.69 of 2010, before concerned trial Court and on some occasions, NBWs were ordered against the petitioner herein and thereafter were recalled by the Court itself and the said case is still pending for issuing summons, this Court is inclined to set aside the impugned order passed by the learned Judicial Magistrate, Arandhanki, Pudukkottai District in Crl.M.P.No.1923 of 2015, dated 24.03.2015

7. In the result, the Criminal Revision Case is allowed and the order passed by the learned Judicial Magistrate, Aranthangi in Crl.M.P.No.1923 of 2015 in C.C.No.69 of 2010, dated 24.03.2015, is set aside. The personal appearance of the petitioner before the Court concerned is set aside on condition that he will appear before the said Court whenever his presence is required by the concerned Court.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Aranthangi.

2. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.



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

4.The Record Keeper,
Criminal Section
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.D.Geetha , Advocate in SR.No. 4424

SMI/MPK

AE/KP/SAR3/17.04.2017/3P/6C

Cr1.RC(MD)No.290 of 2017

Dated:-

27.03.2017