

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated: 29.11.2018
CORAM
THE HONOURABLE MR.JUSTICE B.PUGALENDHI
Crl.O.P.No.4486 of 2011
and
M.P.No.1 of 2011

P.K.Raja

.. Petitioner

Vs.

1. State Rep. By

The Inspector of Police,
H.8, Thiruvottryur Police Station,
Chennai.

2. K.Nadaraj

.. Respondents

Prayer: Petition filed under Section 482 of Criminal Procedure Code to call for records in C.C.No.323 of 2010 on the file of the Judicial Magistrate, Thiruvottryur and to quash the same.

For Petitioner : Dr.G.Krishnamurthy

For Respondents : Mr.T.Shanmuga Rajeswaran

Government Advocate for R1

No appearance for R2

ORDER

This Criminal Original Petition has been filed challenging the proceedings pending against the petitioner in CC No.323 of 2010 on the file of the learned Judicial Magistrate, Thiruvottryur.

2. Alleging that the petitioner / accused, without any valid graduation, is running a clinic and practicing Allopathy medicine, the second respondent / de-facto complainant has lodged a complaint in Crime No.401 of 2010 before the first respondent police. The first respondent, after conducting investigation, has filed a final report in C.C.No.323 of 2010, as against the petitioner, for the offence punishable under Sections 419 & 420 IPC and Section 15 of the Indian Medical Council Act, 1956.

3. When the matter came up for hearing in the last occasion, learned Counsel for the petitioner submitted that the petitioner is having valid qualification and also a certificate from the Government permitting him to practice Allopathy and as such, the present complaint is liable to be quashed. In order to produce the documents showing the qualification of the petitioner, the matter was adjourned.

4. Today, when the matter is taken up for hearing, learned Counsel for the petitioner submitted that the petitioner fell ill and is bedridden. Therefore, he is not in a position to produce the documents before this Court and sought for an adjournment.

5. The Calender Case is of the year 2010 and the present Criminal Original Petition is pending before this Court right from the year 2011. Though the learned Counsel for the petitioner submitted that the petitioner is bedridden, no material was produced before this Court to that effect. Therefore, this Court is not inclined to grant further time. If the petitioner is having documents to support his case, ie., his qualification and certification, he can very well establish the same before the trial Court.

6. Under the above circumstances, this criminal original petition is dismissed, with liberty to the petitioner to raise all the grounds that are raised in this petition before the trial Court. If the petitioner is in a position to prove that he is bedridden and cannot move, the learned Magistrate shall consider dispensation of his personal appearance during trial. Since the Calender Case is of the year 2009, the learned Magistrate is directed to expedite the trial and complete the same, within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ska/gk

To

1.The Judicial Magistrate,
Thiruvotryur.

2.The Inspector of Police,
H.8, Thiruvotryur Police Station,
Chennai.

+1cc to Mr.Aswin , Advocate SR.No. 81712

Cr1.O.P.No.4486 of 2011

A.SK(22/02/2019)