

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.474 of 2018

and

CRL MP Nos.5679 & 5680 of 2018

Karthikeyan

... Petitioner

Vs.

State rep. By Deputy Superintendent of Police,
Thiruppathur Sub-Division,
Thiruppathur Town Police Station,
Vellore District.
(Crime.No.510/2015)

.... Respondent

PRAYER: Criminal Revision petition has been filed under Sections 397 and 401 of the Code of Criminal Procedure, to set aside the order passed by the Learned Principal Sessions Judge, Vellore, Vellore District in Crl.M.P.No:4720/2017 in Spl.S.C.No.13/2017 dated 06.03.2018.

For Petitioner : Mr.E.Kannadasan
For Respondent : S. Thankira
Government Advocate

O R D E R

This petition has been filed to quash the proceedings in Crl.M.P.No:4720/2017 in Spl.S.C.No.13/2017 dated 06.03.2018 on the file of the learned Principal Sessions Judge, Vellore, Vellore District.

2.Heard the learned counsel for the petitioner.

3.The petitioner has filed the discharge petition under Section 227 of Cr.P.C. to discharge the petitioner from the charges leveled against him in the final report. The respondent police registered a case based on the complaint given by one Sampathkumar on 21.10.2015. After the investigation, the Law Enforcing Agency, filed a final report for the alleged commission of offence under Section 294(b), 323, 506(ii) IPC, r/w.3(1)(X) of the SC / ST Act.

4.The petitioner / accused is a practicing Advocate at Thiruppathur Bar Association. There was an allegedly political vendetta and grudge between the petitioner and

the defacto complainant, hence, the defacto complainant has filed the false complaint against the petitioner. Thereafter, the petitioner has filed the discharge petition under Section 227 of Cr.P.C. before the Sessions Court. However, the learned Sessions Judge dismissed the discharge petition, hence, the present petition.

5.The learned counsel for the petitioner would submit that without going into the merits of the case, it would suffice this Court issues direction to the Trial Court to complete the trial in Spl.S.C.No.13/2017 within a period of three months from the date of receipt of a copy of this order.

6.Accepting the submission, without going into the merits of the case, this Court directs the trial Court to complete the trial in Spl.S.C.No.13/2017 within a period of three months from the date of receipt of a copy of this order. After the charges are framed, the petitioner's presence before the trial court shall be dispensed with, on condition that the petitioner shall file an affidavit before the trial court that he will not dispute his identity and that, his counsel will cross-examine the witnesses when they are examined in chief, as held by the Supreme Court in Vinodh Kumar Vs. State of Punjab reported in 2015(1) MLJ(Cr) 288. The petitioner shall present before the trial court for receiving copies under Section 207 Cr.P.C., for answering charges, for questioning under Section 313 Cr.P.C. and on the date of judgment. For other hearings, if the petitioner files an affidavit under Section 317 Cr.P.C., the same shall be liberally construed. If the accused adopts any dilatory tactics, the trial court shall insist upon the presence of the accused. If the accused absconds, a fresh FIR can be registered against him under Section 229-A of IPC.

5.In view of the above direction, this petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

kas
To,
The Principal Sessions Judge,
vellore.

2 The Deputy Superintendent of Police,
Thiruppathur Sub-Division,
Thiruppathur Town Police Station,
Vellore District.

CRL RC No.474 of 2018

NRL (CO)
ASK (26/09/2018)



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