

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CRL RC No.940 of 2018

and

CRL MP Nos.10867 & 10868 of 2018

K. Poongavanam

... Petitioner/Respondent

Vs.

State rep. by.,

Inspector of Police,

CCIW, CID,

Krishnagiri

... Respondent/ petitioner

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, Krishnagiri in Crl.R.C.No: 12/2017 by reversing the order passed by the Learned District Munsif cum Judicial Magistrate, Pochampalli in Crl.M.P.No:3015/2013 in CC.No:83/2010 dated 17.06.2017.

For Petitioner : Mr.P. Ezhilnilavan

For Respondent : S. Thankira

O R D E R

This petition has been filed to quash the proceedings in Crl.R.C.No.12 / 2017 on the file of the learned Principal Sessions Judge, Krishnagiri.

2.Heard the learned counsel for the petitioner.

3.The learned counsel for the petitioner submitted that without going into the merits of the case, it would suffice this Court may direct the trial court to dispose of the case in Crl.R.C.No.12 of 2017 within a stipulated time and further submitted that the presence of the petitioner, being the senior citizen, before the trial Court may be dispensed with.

4.Accepting the submission, without going into the merits of the case, this Court directs the trial Court to dispose of the case in Crl.R.C.No.12 of 2017 within a period of six 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 examined in chief, as held by the Supreme Court in Vinodh Kumar Vs. State of Punjab reported in 2015(1) MLJ(Cr1) 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

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to,

1. The Inspector of Police,
CCIW CID Krishnagiri.

2. The Principal Sessions Judge, Krishnagiri.

3. District Munsif cum Judicial Magistrate,
Pochampallai

4. The Public Prosecutor,
High Court,
Madras.

+1cc to Mr. P. Ezhilnilavan, Advocate SR.No. 57715

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ASK(19/09/2018)