



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2146 of 2018

and

CRL.M.P.Nos.954 & 955 of 2018

Nithayanantham

... Petitioner/Accused No.1

-vs-

1.The State represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District,
In Crime No.347 of 2011

...Respondent/Complainant

2.Devika

... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.221 of 2011, on the file of the Judicial Magistrate, Aranthangi, Pudukkottai District and quash the same as against this petitioner.

For Petitioner	: Mr.V.Kathirvelu Senior Counsel for K.Prabhu
For R1	: Mr.Prabu Ramachandran Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to call for the records in C.C.No.221 of 2011, on the file of the Judicial Magistrate, Aranthangi, Pudukkottai District and quash the same.

2.The learned counsel appearing for the petitioner has submitted that the petitioner has been charged under Sections 294(b) and 506(i) I.P.C., and Section 4 of Women Harassment Act and the main witnesses were already examined before the Trial Court. He further submitted that the petitioner has met with an accident and he sustained fracture in the left hip portion and he is not able to move for a period of six months and hence his personal appearance before the trial Court for the period of six months may be dispensed with. He has also produced a medical certificate.

3.The learned Government Advocate (Crl.Side) has submitted that already evidence, on the side of the prosecution has been closed and



the accused were questioned under Section 313 Cr.P.C., and now the case is posted for taking evidence on the side of the accused.

4. Though the present petition has been filed to quash the proceedings in C.C.No.221 of 2011, on the file of the Judicial Magistrate, Aranthangi, during arguments, the learned counsel for the petitioner has not pressed the plea of quash. He made requests to grant three months time for the petitioner's appearance before the trial Court on medical ground. Considering his request, the personal appearance of the petitioner, before the trial Court is dispensed with for three months. Admittedly, the case is posted for examining the Defence witnesses, it is open to the petitioner, if he wants to examine any witness on his side, he can examine. Likewise, the other accused person also can examine his witness on his side and they have to make progress in the case.

5. With the aforesaid observations, this Criminal Original Petition is disposed of. Consequently, connected Criminal Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Aranthangi,
Pudukkottai District.
2. The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P.(MD)No.2146 of 2018

and

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SSS

AM/SV MMS/SAR 2/13.03.2018/2P/4C