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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.13803 of 2018
and
Crl.M.P(MD) Nos. 6213 and 6214 of 2018

Samraj ... Petitioner/Accused 2

Vs.

1. The State rep. by
The Inspector of Police
Sankarankovil Taluk Police Station
Tirunelveli District
(Crime No.162 of 2011) ... 1st Respondent/Complainant

2. Ramachandran
Special Sub Inspector of Police
Sankarankovil Taluk Police Station
Tirunelveli District. ... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in C.C.No.325 of 2014 on the file of the Judicial Magistrate,Sankarankovil, Tirunelveli District and quash the same.

For Petitioner : Mr.M.Ramu

For Respondent -1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed by the petitioner/ A2 in C.C.No. 325 of 2014 on the file of the learned Judicial Magistrate, Sankarankovil to quash the final report.

2. The petitioner has raised a ground that his own complaint was imaginary and that the respondent police have been repeatedly implicating the petitioner and his family members in various cases and quash petitions have been filed challenging the same.

3. The learned counsel for the petitioner submitted that the present case has also been filed out of malice by the police as against the petitioner and his family members.

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4. Per contra, the learned Government Advocate (Crl.Side) would submit that there are several cases pending against the petitioner and in the present case there are specific allegations against all the accused persons and there is no ground to quash the final report at this stage.

5. Considering the facts and circumstances of the case, the learned Judicial Magistrate, Sankarankovil is directed to frame charges, conduct the trial and complete the proceedings within a period of six months from the date of receipt of a copy of this order.

6. At this juncture, the learned Counsel for the petitioner submitted that the presence of the petitioner before the Trial Court may be dispensed with.

7.Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he will be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of CrPC and at the time of passing judgment.

8.The petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing him will cross examine the prosecution witnesses on the day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his/her/their appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in JT 2001(4) SC 319.

9. With the above observation, the Criminal Original Petition is disposed of. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1. The Judicial Magistrate Court
Sankarankovil,
Tirunelveli District.

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2. The Inspector of Police
Sankarankovil Taluk Police Station

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Tirunelveli District

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

+1cc to M/S.M.Ramu, Advocate SR.No. 77899

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10.08.2018

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JM/RP/SAR 4/31.08.2018/3P/5C

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