



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2018

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THE HONOURABLE MR.JUSTICE A.D. JAGADISH CHANDIRA

CRL OP(MD).No. 19866 of 2018
and CrL.M.P. (MD) Nos.9106 & 9107 of 2018

M. Saranya ...Petitioner/Accuse No.1

Vs.

1. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
(Crime No.624 of 2013). ...Respondent/Complainants

2. S. Arumugam ...2nd Respondents/De facto Complainants

PRAYER: This Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in Special S.C. No.47 of 2018 on the file of the Special Court for Cases under SC/ST (POA) Act, Sivagangai District in Crime No.624 of 2013 dated 19.07.2013 on the file of the first respondent for the offences under Section 294(B), 323, 506(i) of I.P.C., and Section 3(I)(X) of SC/ST Act, 1989 and quash the same.

For Petitioner :Mr. I. Pinaygash
For Respondent-1 :Mr.A.Robinson,
Government Advocate
(Criminal Side).

ORDER

This petition has been filed to call for the records pertaining to the case in Special S.C. No.47 of 2018 on the file of the Special Court for Cases under SC/ST (POA) Act, Sivagangai District in Crime No.624 of 2013 dated 19.07.2013 on the file of the first respondent for the offences under Section 294(B), 323, 506(i) of I.P.C., and Section 3(I)(X) of SC/ST Act, 1989 and quash the same.

2. The learned counsel for the petitioner submitted that the presence of the petitioner may be dispensed with before the trial Court and also seeks direction to the Trial Court for speedy disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Accepting the said submission, the presence of the



petitioner before the trial Court shall be dispensed with on condition that he shall be present for initial questioning and for answering charges, at the time of questioning under Section 313 of Cr.P.C and passing of judgment.

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4. 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 he is examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial Judge for the purpose of identification. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his 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.**

5. Considering the submission, there shall be a direction to the learned Special Court for SC/ST(POA) Act Cases, Sivagangai District to dispose the case as expeditiously as possible preferably within a period of four months from the date of receipt of copy of this order.

6. With the above observation, the Criminal Original Petitions stands closed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Special Court for SC/ST Act Cases,
Sivagangai District.
2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.I. Pinaygash Advocate in SR.No.95306

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