



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P. (MD) .No.20657 of 2018

and

Crl.M.P. (MD) Nos.9559 and 9560 of 2018

E.Vasanth Kumar Samuel

...Petitioner/sole Accused

Vs.

1. The State represented by
The Inspector of Police,
Alagapuram Police Station,
Sivagangai.
(Crime No.87 of 2016)

... 1st Respondent /Complainant

2. M.Ganesh

... 2nd Respondent/
Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to quash the charge sheet filed in S.C.No. 39 of 2018 on the file of the learned Fast Track Mahila Court, Sivagangai filed by the first respondent police.

For Petitioner

:Mr.Selvam
for Mr.K.Gurunathan

For R-1

:Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

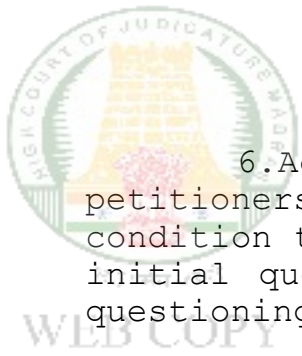
This petition has been filed to quash the charge sheet filed in S.C.No. 39 of 2018 on the file of the Fast Track Mahila Court, Sivagangai filed by the first respondent police.

2.Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the official respondent.

3.In the considered view of this Court, the grounds raised by the petitioners are purely factual in nature. The said grounds can be raised only before the Court below, in the course of proceedings and the Court below shall consider the same on its own merits and in accordance with law.

4.Therefore, this Court finds that there is no merit in this petition. Hence, this Criminal Original Petition stands dismissed.

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



6. Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present for receiving charge sheet, for initial questioning and for answering the charges, at the time of questioning under Section 313 of Cr.P.C. and passing judgment.

7. The petitioner is directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the prosecution witnesses on the day they are 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 dilatorial 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 **(2001) 4 SCC 667**. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Fast Track Mahila Court,
Sivagangai .
2. The Inspector of Police,
Alagapuram Police Station,
Sivagangai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Gurunathan, Advocate Sr.No.96457

LS

KM/SKN/SAR1/12.12.2018/2P/6C