



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.21217 of 2018

and

Crl.M.P(MD) Nos.9805 and 9806 of 2018

V.K.G.Mani

... Petitioner

Vs.

1. The Inspector of Police
B-4, Keeraithurai Police Station
Madurai

2. Vijaya Moorthy

..Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the charge sheet in S.C.No.389 of 2018 on the file of the learned Additional Chief Judicial Magistrate, Madurai and quash the same so far as the petitioner is concerned.

For Petitioner : Mr.K. Navaneetharaja

For Respondent : Mr.R.Anandharaj

No.1

Additional Public Prosecutor

O R D E R

This petition is filed to quash the proceedings in S.C.No.389 of 2018 on the file of the learned Additional Chief Judicial Magistrate, Madurai

2.The learned counsel for the petitioner would submit that the respondent police have conducted investigation and deleted the names of the father and mother of the petitioner against whom the allegations are one and the same as that of the petitioner whereas the petitioner has been implicated as accused in the charge sheet.

3. The learned Additional Public Prosecutor would submit that fair investigation was conducted and coming to know about the fact Thangavel and Gurusamy the father and mother of the petitioner are not involved in the case their names have been deleted whereas statement of witnesses Ramar and Kasi discloses about the involvement of the petitioner and thereby the petitioner has been added as an accused in the charge sheet. He would also submit that the case has been committed and the trial is pending in S.C.No.389 of 2018

4. This Court is of the opinion that all these grounds can be raised before the trial court.

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

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner has been regularly appearing



before the trial Court and would pray that the presence of the petitioner before the court may be dispensed with, since he has been unnecessarily roped in.

6. 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 receiving charges sheet, for initial questioning and for answering charges, at the time of questioning under Section 313 of Cr.P.C and passing of judgment.

7. The petitioner is further directed to give an undertaking in the form of affidavit that the counsel representing him will cross examine the respondent and complainant and her 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 if his presence is insisted by the trial Judge for the purpose of mediation. If the petitioner adopt any dilatory tactics, it is open to the trial court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, in **State of Uttar Pradesh Vs. Shambunath Singh**, reported in **(2001) 4 SCC 667**.

8. In view of the above, this Criminal Original Petition is closed. Consequently, connected CrI.M.P.(MD)No.9806 of 2018 is ordered in respect of the petitioners and CrI.M.P.(MD)No.9805 of 2018 is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Additional Chief Judicial Magistrate,
Madurai
2. The Inspector of Police
B-4, Keeraithurai Police Station
Madurai
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

AAV

KM/SV/SAR1/26.12.2018/2P/4C

CrI.O.P. (MD) .No.21217 of 2018
and

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