



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) .No.21635 of 2013

and

M.P. (MD) .Nos.1 & 2 of 2013

S.Chelladurai

... Petitioner/Accused

Vs.

T.Thangaraj

... Respondent/Complainant

Prayer: The Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.260 of 2012 on the file of the Fast Track Judicial Magistrate, Thanjavur and quash the same.

For Petitioner : Mr.P.Murugesan

For Respondent : No appearance

O R D E R

The petitioner has filed this Criminal Original Petition for quashing the C.C.No.260 of 2012 on the file of the Fast Track Court (Magisterial Level), Thanjavur.

2. The learned counsel for the petitioner submits that since the case has been transferred to the concerned Court at Erode, he is not in a position to inform the new C.C. number assigned to the case.

3. It is seen that the grounds taken in the petition are rather to be canvassed only during trial and they cannot be adjudicated in exercise of the jurisdiction under Section 482 of the Criminal Procedure Code. Therefore, this Criminal Original Petition is dismissed, leaving open all the defences available to the petitioner to be raised at the time of trial.

4. The learned counsel for the petitioner submits that the petitioner can be given relief regarding dispensing with his personal appearance. Therefore, the jurisdictional Court to which the C.C. has been transferred shall insist on the appearance of the petitioner only when it is absolutely necessary and the petitioner shall be called upon to appear before the trial Court at the time of questioning, at the time of examination under Section 313 of Cr.P.C. and at the time of



pronouncement of judgment. On all other occasions, the petitioner can be represented through his counsel. With this relief, this Criminal Original Petition stands dismissed. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar(P & A)

/True copy/

Sub Assistant Registrar

To

The Fast Track Judicial Magistrate,
Thanjavur.

+1 cc to MR.P.MURUGESAN, Advocate SR.No.63454

Cr1.O.P.(MD).No.21635 of 2013
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SMA/CM-PN/SAR-1/14.05.2018:2P/3C