

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.04.2019****WEB COPY****CORAM****THE HONOURABLE MR. JUSTICE M.DHANDAPANI****CRL.O.P. (MD) No.5121 of 2019****and****CRL.M.P. (MD) Nos.3214 and 3215 of 2019**

S.Lingasen ... Petitioner / Sole Accused
Vs.

1.The State Represented by
The Inspector of Police,
District Crime Branch (Anti Land Grabbing Wing),
Theni, Theni District.
(Crime No.44 of 2012) ... 1st Respondent /
Complainant

2.P.Mariappan ... 2nd Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.5 of 2015 on the file of the Judicial Magistrate (Special Court for Land Grabbing Cases), Theni and quash the same.

For Petitioner : Mr.L.Prabhu
For R1 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side).

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.5 of 2015 pending on the file of the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Theni.

2.Though the learned counsel for the petitioner raised several grounds for quashing the calender case on the file of the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Theni, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioner to raise all the grounds raised in this petition before the trial Court. He further submitted that his personal appearance may be dispensed with.



3. In the light of the abovesaid submission made by the learned counsel, this Court without going into the merits of the case, directs the learned Judicial Magistrate (Special Court for Land Grabbing Cases), Theni to complete the trial in C.C.No.05 of 2015, within a period of six months from the date of receipt of a copy of this order. The personal appearance of the petitioner before the trial Court is dispensed with on condition that he shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 Cr.P.C., and at the time of passing judgment. However, the petitioner is 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.

4. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Judicial Magistrate,
Special Court for Land Grabbing Cases, Theni.
2. The Inspector of Police,
District Crime Branch (Anti Land Grabbing Wing),
Theni, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MYR

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KM/ (23.04.2019) 2P 4C