



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 26.08.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.RC.(MD)No.404 of 2019

WEB COPY

D.Rajendra Kumar

: Petitioner/Respondent/
Complainant

Vs.

Rajeshkumar

: Respondent/Respondent/
Accused

Prayer: Criminal Appeal filed under Section 397 and 401 of the Criminal Procedure Code against the order made in Crl.M.P.No.3583 of 2018 in C.C.No.6 of 2018, dated 07.07.2018 by the Judicial Magistrate, Oddanchatram.

For Petitioner : Mr.D.Venkatesh

For Respondent : No Appearance

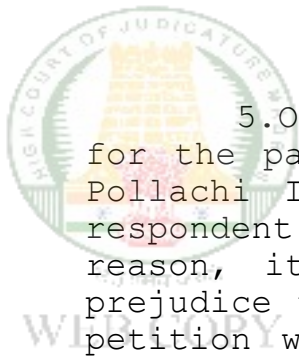
O R D E R

This Criminal Revision has been filed against the order made in Crl.M.P.No.3583 of 2018 in C.C.No.6 of 2018, dated 07.07.2018 by the Judicial Magistrate, Oddanchatram.

2.The respondent herein is sole accused in C.C.No.6 of 2018 and he filed a petition under Section 205 of the Criminal Procedure Code on the ground that he is residing at Udumalpet and working in a college situated within Pollachi Taluk. The respondent filed exemption petition to dispense with his person appearance before the trial court. The learned Judicial Magistrate, Oddanchatram allowed the said petition stating that the personal exemption of the respondent/accused does not affect the right of the petitioner/complainant and on condition that the respondent/accused shall not dispute his identification and shall appear before the court on ordered so. Aggrieved by the order of the learned Magistrate, the petitioner/complainant is before this court.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. The petitioner/complainant states that the respondent/accused is the resident of Udumalpet, which is 65 Kms away from the court and the Hon'ble Apex Court and our High Court have time and again held that in a criminal case dispensing with personal appearance is not a routine one and there should be a valid reason and prays that the criminal revision has to be allowed.



5.On the other hand, it is the case of the respondent that for the past 10 years, he is residing in Udumalpet and working in Pollachi Institute of Technology Engineering at Pollachi and the respondent has not committed any offence and due to the above reason, it is not possible for him to attend the court and no prejudice will be caused to the petitioner when the dispensed with petition was ordered and prays for the dismissal of the criminal revision.

6.It is not denied on the side of the petitioner that the respondent is working as Lecturer in a College at Pollachi and the above place is away from the Court. No prejudice will be caused to the petitioner, if at the trial court dispensed with the personal appearance of the respondent/accused. The reasons stated in the petition by the petitioner are not acceptable.

7.For all the reasons stated above, this court is of the considered view that the order passed by the trial court does not require any interference by this court.

8.In the result, this Criminal Revision is **dismissed**.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

The Judicial Magistrate,
Oddanchatram.

+1 CC to Mr.D. VENKATESH, Advocate (SR-83665[F] dated 27/08/2019)

Order made in
Crl.A.(MD)No.404 of 2019
26.08.2019

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MK (08.11.2019) 2P 3C