



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD)No.845 of 2018

and

Crl.M.P.(MD)Nos.374 & 375 of 2018

Chellapandi

...Petitioner

-Vs-

1.State rep by
The Sub Inspector of Police,
Elumalai Police Station,
Madurai District.
(Crime No.127 of 2014)

2. Chellapandi

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the Charge Sheet in C.C.No.247 of 2015 on the file of the Judicial Magistrate No.II, Usilampatti and quash the same as illegal.

For Petitioner : Mr.K.Kulanthai Vikram

For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)

O R D E R

This petition has been filed to quash the charge sheet in in C.C.No.247 of 2015 on the file of the Judicial Magistrate No.II, Usilampatti.

2.Heard both sides.

3.A careful perusal of entire materials available on record, the charge sheet discloses a *prima facie* offence against the petitioner and there is no reason to interfere with the same. It is also relevant to rely upon the judgment of the Hon'ble Supreme Court of India passed in **Crl.A.No.255 of 2019** dated **12.02.2019** - **Sau. Kamal Shivaji Pokarnekar vs. the State of Maharashtra & ors.**, as follows:-

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appear to be of a civil nature. If the ingredients of the offence alleged against the accused are prima facie made out in the complaint, the criminal proceeding shall not be interdicted."

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4. Hence, the criminal original petition is dismissed. However, considering the fact that the trial is pending from the year 2015, the learned Judicial Magistrate No.II, Usilampatti, is directed to proceed with the trial and complete the same within a period of two months from the date of receipt of a copy of this order.

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 personal appearance of the petitioner is dispensed with and he shall be represented by a counsel after filing appropriate application. The petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment.

7. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Usilampatti.
2. The Sub Inspector of Police,
Elumalai Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C. MAYIL VAHANARAJENDRAN, Advocate (SR-85417[F] dated 05/09/2019)

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JM/20.09.2019/3P/5C

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