



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.17363 of 2014

and

M.P. (MD) Nos.1 and 2 of 2014

Rama Rajan

... Petitioner

Vs

1.State Rep. by,
the Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

2.Siva Balan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in connection with C.C.No.20 of 2009 on the file of the Judicial Magistrate Court, Eraniel, Kanyakumari District and quash the same against the petitioner concern.

For Petitioner : Mr.N.S.Ramakrishna Dass

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : No appearance

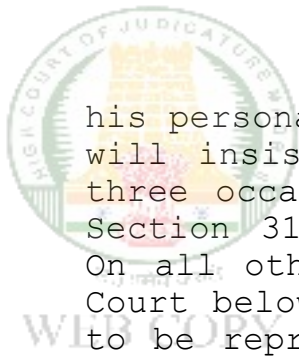
ORDER

The petitioner is figuring A4 as C.C.No.20 of 2009 on the file of the Judicial Magistrate, Eraniel, for the offences under Sections 294(b), 323, 324, 506(ii) of IPC.

2.The petitioner's counsel states that he is a railway employee and was not present at the scene of occurrence during the relevant time.

3. But as rightly pointed out by the learned Government Advocate (Crl.side), the defence of alibi will have to be established only during trial and it cannot be a ground for quashing the impugned proceedings.

4.In view of the same, the criminal original petition stands dismissed. It is for the petitioner to establish his innocence only in the trial. The petitioner is an aged person. Therefore,



his personal appearance is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, to examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioner will stand automatically vacated. It is made clear that this Court has not pronounced anything on the merits of the matter. All the contentions of the petitioner are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate Court,
Eraniel,
Kanyakumari District.
2. The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

+1 CC to Mr.N.S.RAMAKRISHNA DASS, Advocate SR-87906.

**Cr1.O.P (MD) No.17363 of 2014
and
M.P. (MD) Nos.1 and 2 of 2014
17.09.2019**

CS(09.10.2019) 2P 4C