



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.11.2019
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.8772 of 2015 and
M.P.(MD)No.1 and 2 of 2015

T.John Christopher ... Petitioner/Accused No.3
Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.
(Crime No.5 of 2014) ... Respondent/Complainant

2. Sujitha ... Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the Charge Sheet in C.C.No.341 of 2014 on the file of the Judicial Magistrate No.I, Kuzhithurai and quash the same in so far as the petitioner/3rd accused is concerned.

For Petitioner	: Mr.C.K.M.Appaji
For R-1	: Mr.A.Robinson, Government Advocate(Crl. Side).
For R-2	: No appearance.

O R D E R

The petitioner is facing trial in C.C.No.341 of 2014 on the file of the Judicial Magistrate No.I, Kuzhithurai, for the offences under Sections 498(A), 506(i) and 294(b) of I.P.C. and Sections 3, 4 and 6 of Dowry Prohibition Act.

2. To quash the same, this criminal original petition has been filed.

3. The learned counsel appearing for the petitioner reiterated the contentions set out in the memorandum of grounds.

4. As rightly pointed out by the learned Government Advocate, there are prima facie averments and allegations against the petitioner in the statement of the defacto complainant recorded under Section 161 of Cr.P.C. I cannot go into contentious factual aspects like a trial Judge.



5. Therefore, leaving open all the contentions of the petitioners, the criminal original petition stands dismissed. However, the personal appearance of the petitioner is dispensed with.

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6. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate No.I,
Kuzhithurai.
2. The Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.C.K.M. APPAJI, Advocate (SR-97984[F] dated 13/11/2019)

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MK (20.03.2020) 2P 5C