

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL. O.P. NO. 4866 OF 2020

K.Saravanan

.. Petitioner

- Vs -

State, by
Inspector of Police
CBI, BS & FC
No.36, Bellary Road, Ganga Nagar
Bangalore.

.. Respondent

Criminal Original Petition filed u/s 482 of the Code of Criminal Procedure, to dispense with the personal appearance of the petitioner in C.C. No.54 of 2013 on the file of the Chief Judicial Magistrate, Coimbatore.

For Petitioner: Mr. S.Xavier Felix

For Respondent: Mr. K.Srinivasan, Spl. P.P. (CBI Cases)

ORDER

The present petition has been filed by the petitioner to dispense with his personal appearance before the Chief Judicial Magistrate, Coimbatore, in C.C. No.54 of 2013.

2. When the matter is taken up for hearing, though very many grounds have been raised in the revision petition, however, learned counsel appearing for the petitioner prays that the personal appearance of the petitioner before the trial court may be dispensed with. In this regard learned counsel brought to the notice of this Court the order dated 19.12.19, passed in Cr. R.C. No.1419 of 2019 in and by which the personal appearance of the petitioner before the trial was dispensed with except for specific occasions. It is submitted that the present petitioner, being one among the petitioners in Crl. R.C. No.1419/19, his presence before the trial court may be dispensed with.

3. Learned Special Public Prosecutor appearing for the respondent, though submitted that in the case cited by the petitioner, a petition was laid before the trial court and,

thereafter, on rejection, revision was moved before this Court. However, in the present case, no petition has been filed before the trial court and, therefore, the petitioner coming directly before this Court seeking the relief is impermissible.

4. This Court has considered the contentions advanced by the learned counsel on either side and perused the materials available on record.

5. It is not in dispute that the petitioner herein is also one of the petitioner in CrI. R.C. No.1419/19 and, this Court, vide its order dated 19.12.19, dispensed with the personal appearance of the petitioners therein. The respondent is one and the same in both the petitions, so also the court in which the matter being tried is also one and the same.

6. True it is that Section 317 Cr.P.C. bars the petitioner from moving the High Court directly u/s 482 Cr.P.C., seeking the relief as above. However, Section 482 Cr.P.C., does not curtail the powers of this Court from granting the relief as prayed for. In fact, the powers u/s 482 Cr.P.C. are wide enough and this Court, on appreciation of the materials is jurisdictionally empowered to grant the relief. Considering the entire gamut of facts as also the order passed by this Court in CrI. R.C. No.1419/19 and the parties to the lis herein being the same in the revision also, this Court is inclined to exercise its inherent jurisdiction to dispense with the personal appearance, as granted in CrI. R.C. No.1419/19.

7. Accordingly, this petition is disposed of dispensing with the personal appearance of the petitioner before the trial court in C.C. No.54/2013 except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct their appearance on those days. . The petitioner and respondent are directed to co-operate with the trial court for the early completion of trial.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

GLN

To

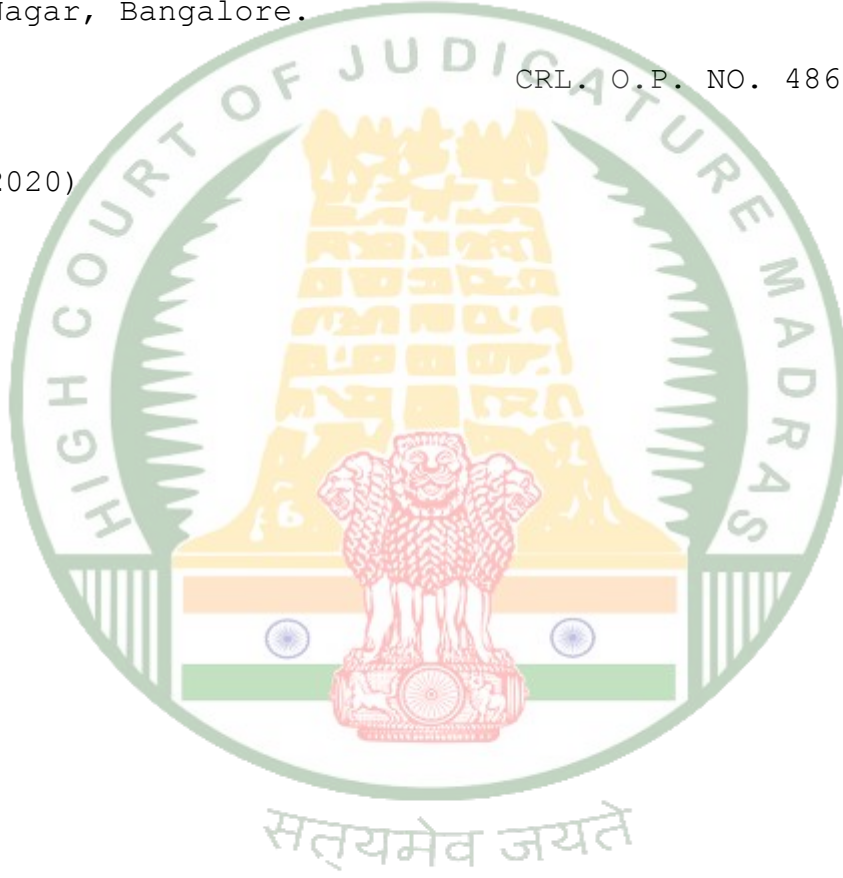
1. The Chief Judicial Magistrate
Coimbatore.

2. The Special Public Prosecutor
CBI Cases
High Court, Madras.

3. The Inspector of police,
CBI, BS & FC,
No. 36, Bellary Road,
Ganga Nagar, Bangalore.

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RSK(CO)
NSP(19/5/2020)



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