



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2020

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CRL.O.P (MD) No.473 of 2020

and

CRL.M.P (MD) Nos.160 and 164 of 2020

V.Gurusamy

... Petitioner

Vs.

1.The State Rep. by,
The Inspector of Police,
District Crime Branch,
Dindigul District,
Dindigul.
(Crime No.01 of 2014)

2.M.Jeganathan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in connection with C.C.No.10 of 2016 on the file of the learned Judicial Magistrate / Special Court for Land Grabbing Cases, Madurai Division, Madurai in connection with Crime No.01 of 2014 on the file of the District Crime Branch, Dindigul District, Dindigul and quash the same as devoid of merits.

For Petitioner : Mr.S.Palani Velayutham

For 1st Respondent : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.10 of 2016 on the file of the learned Judicial Magistrate / Special Court for Land Grabbing Cases, Madurai Division, Madurai.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case with oblique motive. The first respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioner and hence, sought for quashment of the proceedings.

3.The learned Additional Public Prosecutor submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed and the charges framed against the petitioner has to be gone into a full-fledged trial. Further, he would submit that the trial has also commenced and hence, he prayed for dismissal of the petition.

4.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.



5. At this juncture, the learned counsel appearing for the petitioner prayed that the personal appearance of the petitioner before the trial Court, may be dispensed with.

6. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that they shall be present at the time for questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

7. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopt any dilatorical tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **2001 (4) SCC 667**.

8. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

vsg

To

1. The Judicial Magistrate / Special Court for
Land Grabbing Cases, Madurai Division,
Madurai.

2. The Inspector of Police,
District Crime Branch,
Dindigul District, Dindigul.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. S. PALANI VELAYUTHAM, Advocate (SR-1737[F]