



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P. (MD)No.3005 of 2020

WEB COPY

CrI.M.P. (MD)Nos. 1585 and 1587 of 2020

1.M/s.Shri Renuga Textiles Limited,
Through its Managing Director,
R.N.Jagadeesan

2.R.N.Jagadeesan

... Petitioners/Accused 1 & 2

-vs-

M/s.Agarwal Coal Corporation Pvt. Ltd.,
Through its Power Agent,
Amresh Choudhary,
Tuticorin Branch Deputy manager,
Branch Office at
No.5/158, Aruna Nagar,
Caldwell Colony, Tuticorin-8.

... Respondents

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records in C.C.No.177 of 2019 on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi and quash the same.

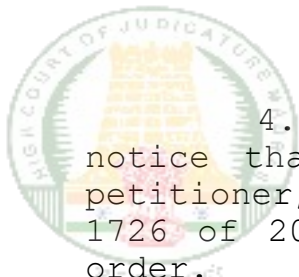
For Petitioner: Mr.C.Muthusaravanan

O R D E R

This Criminal Original Petition has been filed for quashing the proceedings in C.C.No.177 of 2019 pending on the file of the learned Judicial Magistrate, Fast Track Court (Magisterial Level), Thoothukudi. This is a private complaint instituted by the respondent herein for the offences under Sections 138 of N.I.Act.

2.The grounds urged by the learned counsel for the petitioners are absolutely insufficient for invoking the inherent powers of this Court for quashing the impugned proceedings. There upon the learned counsel for the petitioner submitted that the petitioner would be satisfied if personal appearance of the second petitioner is dispensed with. The second petitioner is aged about 66 years.

3.Therefore, even while dismissing this Criminal Original Petition, the personal appearance of the second respondent before the Court below will stand dispensed with. Ofcourse, the petitioner will have to be appear before the Court below when his appearance is necessary and imperative.



4.The learned counsel for the petitioner brings it to my notice that taking note of the medical condition of the second petitioner, by order dated 05.02.2015 in Crl.O.P.(MD)Nos.1721 to 1726 of 2015, a learned Judge of this Court passed the following order.

"4.However, the learned counsel for the petitioner brings to notice that the second petitioner is gravely ill and suffers both from coronary artery disease and also from Adeno Carcinoma of Prostate (Cancer).

5.In the circumstances, the trial Court is directed to dispense with the personal appearance of second petitioner before it, upon his swearing to an affidavit in each case informing his address for service, that he duly would be represented by his counsel on all hearing dates, that he would, at no instance, dispute his identity and that, he would appear before the trial Court as and when required. Upon the petitioners doing so, the trial Court may seek the presence of the petitioners before it, only on the date of judgment. The questioning of the petitioner under Section 313 of Cr.P.C., may be effected through his counsel subject to the petitioner informing in his affidavit that he would not challenge doing so. Consequently, the connected miscellaneous petitions are closed."

5.I am of the view that the relief can be granted to the second petitioner herein on the same lines.

6.Accordingly, this Criminal Original Petition stands dismissed on these terms and the personal appearance of the second petitioner is dispensed with. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Judicial Magistrate, Fast Track Court (Magisterial Level),
Thoothukudi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.3005 of 2020

SMA/17/03/2020/2P/3C