



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

Crl.O.P.(MD)No.1478 of 2020

and

Crl.M.P.(MD)Nos.670 and 671 of 2020

N.Satham Sait

: Petitioner

Vs.

1.The Inspector of Police,
All Women Police Station
Thoothukudi, Thoothukudi District

2.Jainaf @ Aisha Nasreeya

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.614 of 2019 on the file of the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District and quash the same as against the petitioner.

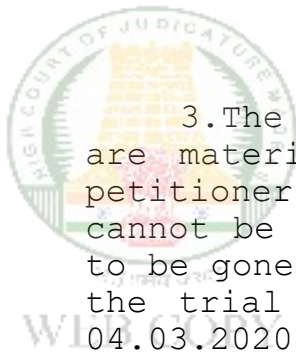
For Petitioner : Mr.S.Muthumalai Raja

For R1 : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.614 of 2019 on the file of the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District.

2.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case with oblique motive. The respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioner. He would also submit that the petitioner is arrayed as A4 and the allegations are against A1 only. He would submit that the petitioner is working temporarily and he is now seeking for Government Job and due to the pendency of this case, this career could be curtailed and hence, sought for a direction to the trial court to complete the trial proceedings as expeditiously as possible.



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 been commenced and the case stands posted on 04.03.2020 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 he shall be present on the first day of appearance , on the date fixed for receiving the copies, initial questioning, reply to charges and 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 adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner 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 dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.670 of 2020 stands closed and Crl.M.P(MD) No.671 of 2020 stands ordered. Further the trial court is directed to complete the trial proceedings in C.C.No.614 of 2019 within a period of four months from 04.03.2020.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

+1 CC to M/s.S.MUTHUMALAIRAJA, Advocate (SR-3685[F] dated
29/01/2020)

Crl.O.P. (MD) No.1478 of 2020
and
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