



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM:

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

CRL.O.P (MD) No.1548 of 2020

and

CRL.M.P. (MD) Nos.718 & 720 of 2020

WEB COPY

1.Pranesh

2.Puthukkan

3.Ramakrishnan

... Petitioners/Accused 1 to 3

Vs.

1.State rep.by

Sub-Inspector of Police,

Kulasekarapattinam,

Cr.No.203 of 2018

Tuticorin District.

2.Raj Pathmanapan

... Respondents/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., call for the records in C.C.No.320 of 2019 on the file of the Judicial Magistrate Court, Tiruchendur, Tuticorin District and quash the same.

For Petitioners : Mr.K.Prabhu

For R1 : Mr.S.Chandrasekar

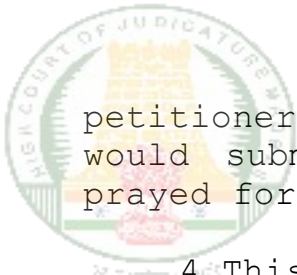
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.320 of 2019 on the file of the learned Judicial Magistrate Court, Tiruchendur, Tuticorin District.

2.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have 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 petitioners 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 petitioners herein and at the threshold, the criminal proceedings cannot be quashed and the charges framed against the



petitioners 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 petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

6.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall present at the time of initial questioning, at the time of framing 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 petitioners are further directed to give an undertaking in the form of affidavit that they 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 petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatory 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 (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns



To

1.The Judicial Magistrate Court,
Tiruchendur, Tuticorin District.

2.The Sub-Inspector of Police,
Kulasekarapattinam,
Tuticorin District.

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

+1 CC to MR.K.PRABHU, Advocate (SR-4697[F] dated 04/02/2020)

CRL.O.P (MD) No.1548 of 2020
31.01.2020

KM/ (13.02.2020) 3P 5C