



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM:

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

Crl.O.P.(MD)No.1500 of 2020

and

Crl.M.P.(MD)Nos.694 and 695 of 2020

: Petitioner/Accused

Vs.

Marimuthu

S.C.Padikkasu

: Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.2 of 2020 on the file of the Fast Track Court (Magistrate Level) Karaikudi and quash the same.

For Petitioner

: Mr.N.Sankar Ganesh

**ORDER**

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.2 of 2020 on the file of the Fast Track Court (Magistrate Level) Karaikudi.

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. He would also submit that it is a case of the respondent that he had sold rice to the petitioner to the tune of Rs.3,36,000/- from Karaikudi to Trichy but it is pertinent to note that the annexed document along with the complaint, invoice, bill the respondent has not given any GST particulars of this petitioner which itself make that the evidence void under the provisions of the relevant GST Act and Rules and hence, sought for quashment of the proceedings.

3.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.

4. 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.

5.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.



6.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**.

7.Accordingly, this Criminal Original Petition dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.694 of 2020 stands are closed and Crl.M.P(MD) No.695 of 2020 stands ordered.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Fast Track Court (Magistrate Level) Karaikudi

+1 CC to M/s.N.SHANKAR GANESH, Advocate ( SR-4367[F] dated 03/02/2020 )

Crl.O.P. (MD)No.1500 of 2020

and

Crl.M.P. (MD)Nos.694 and 695 of 2020

**30.01.2020**

KK/SAR/13.02.2020/2P-3C/