



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.3259 of 2020

and

Crl.M.P. (MD) Nos. 1715 & 1716 of 2020

WEB COPY

Gandhi Selvin

...Petitioner/Accused

Vs.

R. Darathy nallammal

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the records in STC No. 351 of 2019 on the file of the learned Judicial Magistrate No.VI, Madurai, Madurai District and Quash the proceedings initiated as against the petitioner.

For Petitioner : Mr.A. Thiruvadi Kumar

O R D E R

The Criminal Original Petition has been filed to quash the proceedings in STC No. 351 of 2019 on the file of the learned Judicial Magistrate No.VI, Madurai, Madurai District as against the petitioner.

2. Heard the learned Counsel for the petitioner and perused the materials available on record.

3. The learned counsel appearing for the petitioner would further submit that though there are several grounds available for quashing the petition, the petitioner is not pressing the petition, however would pray that a direction may be issued to the learned trial judge to dispose the case in STC No. 351 of 2019, within a time frame that may be fixed by this Court.

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. However, the learned Judicial Magistrate No.VI, Madurai is directed to complete the trial, within a period of Six Months, from the date of receipt of a copy of the order. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.1715 of 2020 stands closed and Crl.M.P(MD) No.1716 of 2020 stands ordered.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate Court No.VI,
Madurai.

+1 CC to Mr.A.THIRUVADIKUMAR, Advocate (SR-8034[F]dated
25/02/2020)

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VB (17.06.2020) 2P 3C