



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P (MD)No.4402 of 2020
and
Crl.M.P. (MD)Nos.2484 and 2485 of 2020

Sajin ... Petitioner/Accsed

Vs

1.The Sub Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.
(Crime No.290 of 2018)

2.Sasi ... Respondents/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the charge sheet in C.C.No.190 of 2019 pending before the Judicial Magistrate Court-II, Padmanabhapuram in Crime No.290 of 2018, dated 15.09.2018 on the file of the first respondent for the offences under Sections 294(b), 326 and 506(ii) of IPC and quash the same as illegal.

For Petitioner : Mr.S.S.Sundarapandian

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

This criminal original petition has been filed for quashing the impugned proceedings in C.C.No.190 of 2019 on the file of the Judicial Magistrate No.2, Padmanabhapuram.

2.The petitioner is facing trial for the offences under Sections 294(b), 326 and 506(ii) of IPC.

3. I am of the view that the contentions raised in the memorandum of grounds in the criminal original petition will have to be established only before the Court below in a regular trial. Therefore, this criminal original petition stands dismissed. However, the personal appearance of the petitioner is dispensed with.



4. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. It is made clear that this Court has not gone into the merits of the matter. All the contentions and defences of the petitioner are left open. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate Court-II,
Padmanabhapuram.

2.The Sub Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

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

+1 CC to M/s.S.S.SUNDARAPANDIAN, Advocate (SR-11139[F] dated
11/03/2020)

Crl.O.P (MD)No.4402 of 2020
11.03.2020

RMI

TK/SAR. /18.03.2020/2P/5C