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CrI.O.P.(MD)No.4390 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.4390 of 2020

and

CrI.M.P. (MD)No.2478 of 2020

Suganthi

... Petitioner/Sole Accused

Vs

1.State rep by

The Sub Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

In Crime No.54 of 2018.

...Respondent/Complainant

2.Chellan

... Respondents No2/Defacto Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records of the charge sheet in C.C.No.54 of 2018 on the file of the learned Judicial Magistrate Court No.II, Sivagangai and quash the same as illegal.

For Petitioners : Mr.N.Ananthapadmanabhan
for M/s.APN Law Associates

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

ORDER

This criminal original petition has been filed for quashing the impugned proceedings in C.C.No.54 of 2018 on the file of the Judicial Magistrate No.2, Sivagangai.

2.The petitioner is facing trial for the offences under Sections 279 and 304(A) of IPC.

3.Though the petitioner's counsel contentions are quite attractive, I am of the view that considering the factual nature, they will have to be established only before the Court below. Therefore, without going into the merits of the matter, this criminal original petition stands dismissed. All the contentions and defences of the petitioner are left open.

4. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear in person before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. It is made clear



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that this Court has not pronounced anything on the merits of the matter. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (crl side)

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Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate Court NoII
Sivagangai.

2.The Sub Inspector of Police,
Poovanthi Police Station,
Sivagangai District.

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

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-11537[F] dated
13/03/2020)

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KB(23/03/2020) 2P 4C