



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11396 of 2020

Mrs.Meenakshi

Petitioner/Complainant

Vs

Premkumar

Respondent/Accused

PRAYER: Petition filed under Section 482 of Code of Criminal Procedure, directing the presence of the respondent/accused in each hearing of the above CC No.51/2012 on the file of the Judicial Magistrate No.I, Sivagangai.

For Petitioner : Mr.M.Ramamoorthi

O R D E R

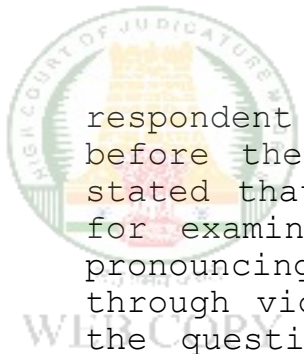
Heard the learned counsel for the petitioner.

2.Considering the nature of relief to be granted, notice to the respondent is dispensed with.

3.The respondent herein along with another filed Crl.OP(MD) No.7278 of 2016 for quashing the proceedings in CC No.51 of 2012 on the file of Judicial Magistrate No.I, Sivagangai. The said Original Petition was partly allowed vide order dated 20.11.2019. The proceedings were quashed as regards the petitioner No. 2 and dismissed as regards the respondent herein. The grievance of the petitioner is that the respondent is continuously absenting himself in the trial. Therefore, the petitioner wants this Court to issue appropriate direction. Section 483 of Cr.P.C reads that

'Every High Court shall so exercise its superintendence over the Courts of Judicial Magistrates subordinate to it as to ensure that there is an expeditious and proper disposal of cases by such Magistrates.'

4.The petitioner's counsel states that the case was filed in the year 2012. It cannot be kept pending indefinitely. Of course, the quash petition was filed in the year 2016 and for over three years, due to the pendency of the case, the proceedings could not be commenced. But the Original Petition was disposed of on 20.11.2019. I had taken note of the fact that COVID-19 pandemic has not only struck India, but also the world. Travelling from U.S to India has become impossible for several months. But, the respondent can very well appear through video conferencing also. I am more concerned about the progress of the trial. Physical appearance of the



respondent may not really be necessary. The respondent can appear before the Court below through video conferencing. I had earlier stated that the petitioner has to appear to answer the charge and for examination under Section 313 of Cr.P.C and at the time of pronouncing judgment. This is modified and the respondent can appear through video conferencing to answer the charge and also to answer the questions posed during the examination under Section 313 of Cr.P.C. Of course, the direction to appear before the Court below at the time of pronouncing orders cannot be relaxed for any reason. The Court below shall give opportunity to the respondent to appear through video conferencing. If the respondent fails to avail the offer, the Court below shall necessarily initiate appropriate coercive action.

5. With the aforesaid direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Copy to:

The Judicial Magistrate No.1,
Sivagangai.

+1 CC to M/s.P.M. VISHNUVARTHANAN, Advocate (SR-20264[F] dated 15/10/2020)

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SRK(CO)
NR (29/10/2020) 2P : 3C