



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.11685 of 2020

and

Crl.M.P. (MD)Nos.5338 and 5339 of 2020

WEB COPY

Deepan

... Petitioner

Vs

1.State rep. by

The Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District,
In Crime No.582 of 2020.

2.Robert Jain,

Sub Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in P.R.C.No.45 of 2020 on the file of the Principal District Munsif cum Judicial Magistrate Court, Eraniel and quash the same against the petitioners.

For Petitioner : Mr.T.Amjad Khan

For Respondents : Mr.V.Neelakandan

Additional Public Prosecutor

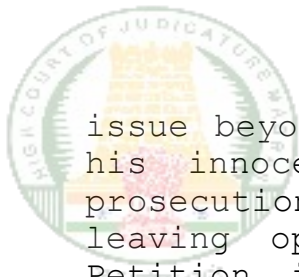
ORDER

Heard the learned counsel on either side.

2.This Criminal Original Petition has been filed for quashing the impugned proceedings. The petitioner is facing prosecution under Section 379 of IPC. He is shown as A1.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. He would point out that the petitioner is an engineering graduate and is a meritorious student and that he has also completed his law degree and is about to get enrolled. The petitioner's case is that he had earlier gone to the local station and had heated argument with the station house officer and that is the reason for falsely implicating him in the present case. The petitioner's counsel also took me through the statements recorded under Section 161 of Cr.P.C. to show that the case projected by the prosecution is inherently improbable.

4.Though the defence of the petitioner's counsel is quite persuasive and attractive, I am afraid that in exercise of jurisdiction under Section 482 of Cr.P.c., I cannot go into the



issue beyond a point. The petitioner has to necessarily establish his innocence only by eliciting truth by cross examining the prosecution witness who happen to be police personnel. Therefore, leaving open the petitioner's defences, this Criminal Original Petition is dismissed. If all the accused appear before the Committal Court on the next hearing date, the committal proceedings will be concluded immediately.

5. Considering the special facts and circumstances of the case, the learned trial Judge is also directed to expedite the trial proceedings. Taking note of the contentions putforth by the petitioner's counsel, the personal appearance of the petitioner before the Court below is also dispensed with. Of-course, he has to appear on those occasions when his presence is necessary and imperative. On all other occasions, the petitioner can be represented by his counsel. Of-course, the petitioner will not dispute the identity of the witnesses. If the petitioner's counsel also fails to appear, the benefit of this order will get automatically vacated.

6. With this limited relief and leaving open the petitioner's defences, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

To

1. The Principal District Munsif cum Judicial Magistrate Court, Eraniel.

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

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

CrI.O.P (MD) No.11685 of 2020
29.10.2020

AC (CO)

KB (14.12.2020) 2P 4C

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