



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.[MD].No.19416 of 2019

and

Crl.M.P.[MD].Nos.11397 and 11398 of 2019

Baskar : Petitioner/Accused
Vs.

Mohandoss : Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the private complaint in S.T.C.No.103 of 2019, on the file of the learned Judicial Magistrate, Vadipatti and quash the same as illegal.

For Petitioner : Mr.J.Sulthan Basha
for M/s.Ajmal Associates

ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.103 of 2019, on the file of the learned Judicial Magistrate, Vadipatti.

2.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case with oblique motive. The respondent police conducted the investigation in a mechanical manner and filed the charge sheet as against the petitioner and hence, sought for quashment of the proceedings.

3.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.

4.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.

5.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.



6.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**.

7.Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected Miscellaneous Petition in Crl.M.P(MD) No.11397 of 2019 stands closed and Crl.M.P(MD) No.11398 of 2019 stands ordered.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

1.The Judicial Magistrate, Vadipatti.

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

+1cc to M/s.Ajmal Associates, Advocate, SR No.1771

Crl.O.P.[MD].No.19416 of 2019

KK/SAR/30.01.2020/2P-4C/