



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.9639 of 2018

and

Crl.M.P.No. 4955 of 2018

Dr. P. Nandivarman
S/o Jeevalingam

.. Petitioner

Vs.

1) The Inspector of Police,
H3, Tondiarpet Police Station,
Tondiarpet, Chennai-600 081.

2) Meenammal
W/o Sermakani

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to dispense with the personal appearance of the petitioner/accused Stay in C.C.No.3801 of 2017 on the file of the Learned XV Metropolitan Magistrate, George Town, Chennai-1, pending disposal of the above Criminal Original Petition.

For Petitioner : Mr. P. Prince Premkumar

For 1st Respondent : Mr. A. Gopinath,
Government Advocate (Crl.side)

O R D E R

The petitioner has filed this petition to dispense with the personal appearance of the petitioner/accused Stay in C.C.No.3801 of 2017 on the file of the Learned XV Metropolitan Magistrate, George Town, Chennai-1, pending disposal of the above Criminal Original Petition.

2. Though several grounds have been raised by the learned counsel for the petitioner, however, this Court is of the opinion the issue is a triable issue and the grounds raised by the counsel for the petitioner are all factual in nature and



it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3.It is represented by the learned counsel appearing for the petitioner that this Court may issue a direction to the Trial Court to expedite the trial and complete the same as early as possible. He would further submit that the appearance of the petitioners before the Trial Court may be dispensed with.

4.Accordingly, this petition is disposed of with a liberty to the petitioner to file a petition before the Trial Court in respect of opinion with regard to the death of the victim and further the Trial Court is directed to dispose of C.C. No.3801 of 2017 as expeditiously as possible as per seniority of the case. The petitioner and respondent are directed to co-operate with the trial court for the early completion of trial. Further, taking into consideration the request as made by the learned counsel for the petitioner, his appearance before the trial court is dispensed with except for their appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct their appearance on those days. Consequently, connected miscellaneous petitions, if any, are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nhs

To

1. The learned XV Metropolitan Magistrate,
George Town,
Chennai-1.



2) The Inspector of Police,
H3, Tondiarpet Police Station,
Tondiarpet, Chennai-600 081.

3) The Public Prosecutor,
High Court of Madras.

+1cc to Mr.P.Prime Premkumar, Advocate, S.R.No.47458

+1cc to Mr.K.B.Vivekanandhan, Advocate, S.R.No.47803

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PCH(CO)
SU(10/11/2021)