



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9853 of 2018

and

Crl.M.P.No. 5073 of 2018

E. Inbarasu,
S/o Elayaperumal

...Petitioner

Vs.

The State rep. by
Mr. K. Durai,
Designated Officer,
Code No.074, Madhuranthagam Union,
Food Safety Department,
42-A, Railway Board,
Near Government Hospital,
Kanchipuram.

...Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., to dispense with the personnel appearance of the petitioner in the private complaint filed in S.T.C. No. 185 of 2018 on the file of the Judicial Magistrate Court, Madurandhakam, Kanchipuram District, pending disposal of the Criminal Original Petition as far as this petitioner is concerned.

For Petitioner :Mr. K. R. Laxman

For Respondents :Mr.C.E.Pratap

Government Advocate (Crl.Side)

O R D E R

The petitioner has filed this petition seeking to dispense with the personnel appearance of the petitioner in the private complaint filed in S.T.C. No. 185 of 2018 on the file of the Judicial Magistrate Court, Madurandhakam, Kanchipuram District, pending disposal of the Criminal Original Petition as far as this petitioner is concerned.

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 petitioners 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 petitioner before the Trial Court may be dispensed with.

4. Accordingly, this petition is disposed of by directing the Trial Court to dispose of S.T.C.No. 185 of 2018 expeditiously as possible as per seniority of the case. The petitioners 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.

s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

NHS

To

1. The Judicial Magistrate Court,
Madurandhakam,
Kanchipuram District.
2. Do Thro The Chief Judicial Magistrate
Kanchipuram
3. The Public Prosecutor,
High Court of Madras, Chennai 600 104.

CrI.O.P.No.9853 of 2018 &
CrI.M.P.No. 5073 of 2018

RK(CO)
SP(20/10/2021)