

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.05.2021
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.O.P.No.8587 of 2021
and
Crl.M.P.Nos.5650 & 5651 of 2021

Sanjay Gandhi

...Petitioner

Vs.

1.State Represented by,
The Inspector of Police,
Periyathatchur Police Station,
Villupuram District.

2.Loganathan
(Crime No.36/2020)

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.172 of 2020 pending on the file of the Judicial Magistrate No.II, Tindivanam and quash the same.

For Petitioner : Mr.Darshan

For R1 : Mrs.V.Sharatha Devi,
Govt. Advocate(Crl Side)
for R1

ORDER

Heard the learned counsel on either side.

2. The petitioner is facing trial in C.C.No.172 of 2020 on the file of the Judicial Magistrate No.II, Tindivanam for the offences under Sections 279, 337 & 304(A) of IPC.

3.The case involves a collision between a Tractor and Auto. The petitioner's counsel would state that there was no negligence on the part of the person, who drove the Tractor and the entire fault is to be attributed to the Auto driver.

4.Be that as it may, the specific case of the prosecution is that it was the petitioner, who drove the offending vehicle. Whether the petitioner was guilty of rash and negligent driving or not cannot be gone into in this quash proceedings.

5.The petitioner has to necessarily establish the defence only in the trial. Therefore, this quash petition is dismissed.

6.However, taking into account of the facts and circumstances of the case, the personal appearance of the petitioner before the trial Court is dispensed with. The petitioner need to appear on those occasions when his physical appearance is necessary and imperative. On all other occasions, the petitioner can be represented through his counsel. If the counsel does not appear, the benefit of this dispensation will stand automatically withdrawn. I also make it clear that I have not gone into the merits of the case. All the defences are left open.

7.This criminal original petition is dismissed with the above observations and direction. Consequently, the connected CrI.M.P.No.5650 of 2021 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Inspector of Police,
Periyathatchur Police Station,
Villupuram District.
2. The Public Prosecutor,
High Court, Madras 600 104.

CrI.O.P.No.8587 of 2021
and

CrI.M.P.Nos.5650 & 5651 of 2021

PPA(CO)
NS(12/05/2021)

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