



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.07.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P. (MD)No.3564 of 2021 &

Crl.MP(MD)Nos.1989 & 1990 of 2021

WEB COPY

Gopinath

...Petitioner/Accused No. 3

Vs.

1. The Deputy Superintendent of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District. ... Respondent/Complainant

2. Muthulingam ...Respondent 2/ Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to impugned charge sheet in C.C.No.168 of 2018 on the file of the Judicial Magistrate IV, Thoothukudi and to quash the same as illegal.

For Petitioner : Mr.A.Ajith Geethan
For R-1 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

O R D E R

This petition is filed seeking quashment of C.C.No.168 of 2018 on the file of the learned Judicial Magistrate No.IV, Thoothukudi.

2. This petitioner is arrayed as Accused No.3 in the above said case, which was registered for the offences punishable under Sections 406, 408, 465, 468, 471 and 120(B) of IPC as against the accused Nos.1 and 2 and the offences alleged against this petitioner/A3 are under Sections 408 and 120(B) of IPC.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submits that the prayer sought for in this petition is quashment of C.C.No.168 of 2018, however, he confined his relief only with regard to the dispense with the personal appearance of the petitioner before the Trial Court, since the petitioner is residing in Bangalore, Karnataka State and therefore, he is not in a position to appear before the trial Court. The learned counsel for the petitioner has also produced a copy of the Aadhar Card as well as the Driving Licence, which shows that the petitioner is residing in Bangalore, Karnataka State.



4. Therefore, without going to the merits of the case, I am of the considered view that the personal appearance of the petitioner is dispensed with before the Trial Court on condition that the petitioner shall appear before the Trial Court within 15 days from the date of receipt of a copy of this order and file an undertaking affidavit that he will appear before the Trial Court as and when required by affixing his photograph duly attested by his counsel in the affidavit and on further condition that the petitioner must be represented by a counsel.

5. Accordingly, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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 Judicial Magistrate No. IV, Thoothukudi
2. The Deputy Superintendent of Police,
District Crime Branch,
Thoothukudi, Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P. (MD)No.3564 of 2021
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LS (CO)

LR (06.08.2021) 2P 4C