



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P.(MD)No.9521 of 2021

and

Crl M.P.(MD)Nos.4863 & 4864 of 2021

Boomi Raj.M

... Petitioner/4th accused

Vs.

1.The Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... 1st Respondent/Complainant

2.Velmurugan

... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in C.C. 131 of 2020 pending on the file of Judicial Magistrate No.I, Sivagangai and to quash the same.

For Petitioner : Mr.K.P.Narayanakumar

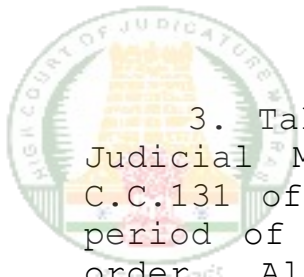
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

No Appearance for R2.

ORDER

This Criminal Original Petition has been filed for quashing the impugned proceedings in C.C.131 of 2020 on the file of Judicial Magistrate No.I, Sivagangai.

2. The petitioner before this Court is figuring as fourth accused in the said petition. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds. Consideration of those contentions would definitely involve undertaking a factual enquiry. The petitioner has to necessarily establish his innocence before this Court.



3. Taking note of the over all facts and circumstances, the Judicial Magistrate No.I, Sivagangai, is directed to conclude C.C.131 of 2020 on merits and in accordance with law, within a period of six months from the date of receipt of copy of this order. All the contentions of the petitioner are left open. The personal appearance of the petitioner before the Court below is dispensed with. However, the petitioner has to appear before the Court below on the following three occasions:-

i) To answer the charges,

ii) at the time of examination under Section 313 of Cr.P.C and

iii) at the time of pronouncement of the Judgement.

4. The petitioner also will have to appear, when his presence is insisted upon by the trial Court and on all the other occasions, the petitioner can be represented by his counsel. If the petitioner's counsel fails to appear, the benefit of this order will stand automatically vacated. This Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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.I,
Sivagangai.

2.The Sub Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.



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

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