



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

CrI.O.P. (MD) No.11019 of 2021

and

CrI.M.P. (MD) No.5630 of 2021

Sethuram

... Petitioner/Sole Accused

Vs.

1.State represented by

The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.175 of 2009

2.Mohammed Raffi

... Respondents/Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records pursuant to the C.C.No.74 of 2009 on the file of the District Munsif cum Judicial Magistrate Court, Kodaikanal and quash the same.

For Petitioner : Mr.M.Mariappan

For R1 : Mr.K.Sanjai Gandhi

Government Advocate (CrI.Side)

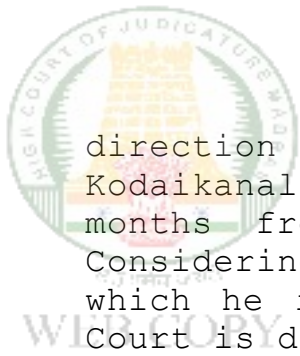
ORDER

This Criminal Original Petition is filed seeking quashment of C.C.No.74 of 2009 on the file of the learned District Munsif cum Judicial Magistrate, Kodaikanal.

2.Even though, a larger relief has been sought for by the petitioner in this petition, during the course of arguments, learned counsel appearing for the petitioner has restricted his relief only with regard to dispensing with the personal appearance of the petitioner before the trial Court on the ground that the petitioner is aged about 68 years and he is living in Palani. He has to travel from Palani to attend the Court in Kodaikanal and also he is suffering from 'Asthma'.

3.The learned Government Advocate (CrI.Side) appearing for the 1st respondent submitted that most of the witnesses have been examined and cross-examined by the petitioner and only 4 witnesses remain to be examined. At this time, this petition came to be filed. When completion of the trial proceeding is about happen, the petitioner has filed this petition.

4.Considering the oldness of the matter, there shall be a
<https://hcservices.ecourts.gov.in/hcservices/>



direction to the learned District Munsif cum Judicial Magistrate, Kodaikanal to complete the trial process within a period of 2 months from the date of receipt of a copy of this order. Considering the age of the petitioner as well as the disease with which he is suffering, his personal appearance before the trial Court is dispensed with with the following condition:

the petitioner shall appear before the trial Court within a period of 15 days from the date of receipt of a copy of this order, by giving an undertaking that he will appear before the trial Court as and when required by affixing attested photograph.

5. With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// 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 Learned District Munsif cum Judicial Magistrate,
Kodaikanal.

2. The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

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

+1 CC to M/s.M.MARIYAPPAN, Advocate (SR-26039[F] dated 12/08/2021)

CrI.O.P. (MD)No.11019 of 2021

10.08.2021

CN(17.08.2021) 2P 5C