



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P. (MD)No.17176 of 2021

and

CRL.MP(MD)Nos.9328 & 9329 of 2021

WEB COPY

P.Ilangovan

... Petitioner / Sole Accused
Vs.

1. State: Rep. By,
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
(Crime No.13 of 2015)

... 1st Respondent/complainant

2.Sridhar

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the entire records pertaining to the case in C.C No.64 of 2017 pending on the file of the learned Judicial Magistrate No.I, Tirunelveli and quash the same as against the petitioner.

For Petitioner	: Mr.R.Anand
For R-1	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor

ORDER

This criminal original petition has been filed for quashing the impugned proceedings in C.C No.64 of 2017 on the file of the learned Judicial Magistrate No.I, Tirunelveli. The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. I am of the view that these are all factual matters that will have to be necessarily established only in a regular trial. Therefore, leaving open all the contentions and defence, this criminal original petition stands dismissed.

2.Considering the facts and circumstances of the case, the personal appearance of the petitioner is dispensed with before the court below.The court below shall not insist the personal appearance of the petitioner herein unless it is necessary or imperative. Of course, the he has to appear on those occasions, namely to answer the charges, examination under Section 313 of Cr.Pc and on the day of pronouncement of judgement. Except the aforesaid occasions, on all other hearings, he has to be represented through his counsel. If his counsel also fails to appear, the benefit of this order will stand automatically vacated.



3. With this relief regarding dispensing with the personal appearance of the petitioner, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

skm

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, Tirunelveli
2. The Inspector of Police,
District Crime Branch,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of the Madras High Court, Madurai.

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KMV (CO)

KB (07.01.2022) 2P 4C