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CRL.O.P.(MD)NO.18429 OF 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1.O.P. (MD)No.18429 of 2021 and

CRL.M.P. (MD)Nos.10149 & 10151 of 2021

Sethupathy @ Sethuraman

... Petitioner / Accused No.1

Vs.

1. The Inspector of Police,
Virudhunagar West police station,
Virudhunagar,
Virudhunagar District.
(Crime No.341 of 2016)

... 1st Respondent / Complainant

2. Krishnan

... 2nd Respondent /
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.426 of 2019 on the file of the learned Judicial Magistrate No.I, Virudhunagar and quash the same as against the petitioner.

For Petitioner

: Mr.S.Sundarapandian

For R-1

: Mr.M.Veeranthiran,
Government Advocate.

* * *

O R D E R

Heard the learned counsel on either side.

2. This criminal original petition has been filed to quash the proceedings in C.C.No.426 of 2019 on the file of the Judicial Magistrate, Virudhunagar.

3. The prosecution case is that the petitioner indulged in job rocketing.

4. The learned counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of grounds.

5. Consideration of the petitioner's contentions would involve undertaking a factual probe. Under Section 482 of Cr.P.C., I cannot do so. Therefore leaving open all the contentions and the defences of the petitioner, this criminal original petition stands dismissed.



6. Taking note of the facts and circumstances of this case, 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 Judgment.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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,
Virudhunagar.
2. The Inspector of Police,
Virudhunagar West police station,
Virudhunagar, Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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MGJ(13.12.2021) 2P 4C