



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.20385 of 2021

and

Crl.M.P.(MD)Nos.11593 and 11594 of 2021

Ammasikani

... Petitioner/Accused

Vs.

1.The State through

The Inspector of Police,

PWE Srivilliputhur Police Station,

Virudhunagar District.

(Crime No.903 of 2020)

... 1st Respondent/Complainant

2.P.Ganesan

... 2nd Respondent/

Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records connected with impugned charge sheet in S.T.C.No.1278 of 2020 dated 21.09.2020 on the file of the learned Judicial Magistrate, Rajapalayam and quash the same as illegal.

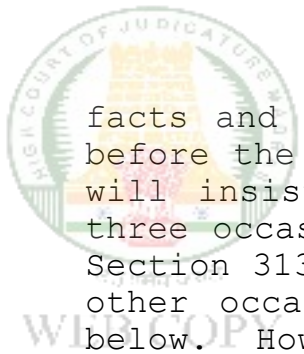
For Petitioner : Mr.R.Alagumani

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed to quash the impugned proceedings S.T.C.No.1278 of 2020 on the file of the Judicial Magistrate, Rajapalayam.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. I am not however persuaded by the same. As rightly pointed out by the learned Additional Public Prosecutor, consideration of the said contentions would involve undertaking factual probe and analysis. Under Section 482 of CrPC, I cannot be do so. Hence, this criminal original petition is dismissed. All the defences and contentions of the petitioner are left open. However, taking into account the overall



facts and circumstances, the personal appearance of the petitioner before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

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,
Rajapalayam.
- 2.The Inspector of Police,
PWE Srivilliputhur Police Station,
Virudhunagar District.

Copy to:

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

Crl.O.P (MD) No.20385 of 2021
22.12.2021

MGJ(06.01.2022) 2P 4C