



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.20311 of 2021 and

CRL.M.P.(MD)Nos.11525 & 11526 of 2021

WEB COPY

Mariappan

... Petitioner / Accused No.2

Vs.

State rep. By,
The Inspector of Police,
Poovanthi police station,
Sivagangai District.
(Crime No.25 of 2015)

... Respondent / Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the proceedings in C.C.No.108 of 2015 on the file of the learned Judicial Magistrate No.II, Sivagangai and quash the same as against the petitioner / accused No.2.

For Petitioner : Mr.S.Balakarthik
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

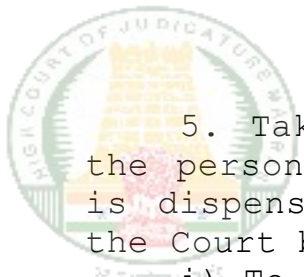
O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is facing trial in C.C.No.108 of 2015 on the file of the Judicial Magistrate No.II, Sivagangai, for the offences under Sections 454, 380, 411 and 414 of I.P.C. The petitioner's counsel would contend that the petitioner had dealt with the items in question without being aware of their true character. He reiterated all the contentions set out in the memorandum of grounds.

3. Though they are quite persuasive, consideration of the said contentions would necessarily involve invoking a factual probe and analysis. Exercising jurisdiction under Section 482 of Cr.P.C., I cannot do so.

4. This criminal original petition is dismissed. All the contentions and the defences of the petitioner are left open. I make it clear that I have not gone into the merits of the matter.



5. 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 I)

// True Copy //

/ /2022

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.II,
Sivagangai.
2. The Inspector of Police,
Poovanthi police station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.BALA KARTHIK, Advocate (SR-39827[F] dated 21/12/2021)

Cr1.O.P. (MD)No.20311 of 2021
20.12.2021