



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.19930 of 2021

and

Crl.M.P. (MD)Nos.11236 & 11237 of 2021

WEB COPY

R.Natarajan

... Petitioner / Accused

Vs

G.Bensus Benargee

... Respondent / Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the private complaint in C.C.No.51 of 2021 pending before the learned Judicial Magistrate No.1, Padmanabhapuram, Kanyakumari District for the alleged offences under Sections 406 and 420 of IPC and quash the same as illegal against the petitioner.

For Petitioner : Mr.M.Maran

ORDER

Heard the learned counsel for the petitioner.

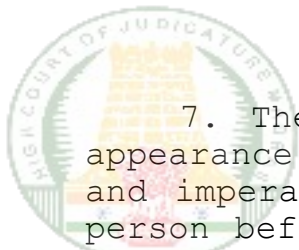
2.The petitioner is facing trial in C.C.No.51 of 2021 on the file of the Judicial Magistrate No.1, Padmanabhapuram for the offences under Sections 406 & 420 of IPC.

3. The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds.

4. I am not persuaded by the same. Consideration of those contentions would necessarily involve undertaking a factual probe. Under Section 482 of Cr.P.C, I cannot do so. Leaving open the petitioner's defences and contentions, this Criminal Original Petition is dismissed.

5. However taking note of the overall facts and circumstances including the fact that the petitioner is a cardiac patient, the personal appearance of the petitioner before the court below is dispensed with. The petitioner's counsel expressed some difficulties regarding conducting the cross examination of P.W.1 on 17.12.2021. He undertakes that on the very next hearing date, the petitioner will be ready to get along with the cross examination.

6.In view of the same, the Court below is directed not to insist that the petitioner should conduct the cross examination on 17.12.2021. The court below shall give short accommodation.



7. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through his counsel. Consequently, connected miscellaneous petitions are closed. This Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Crl.Side)

// 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
The Judicial Magistrate No.1,
Padmanabhapuram,
Kanyakumari District.

Crl.O.P(MD)No.19930 of 2021
15.12.2021

SR(CO)
GC(29.12.2021) 2P 2C