



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2022

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5461 of 2022
and Crl.M.P.Nos.2987 & 2989 of 2022

1.Bakkiyaraj
2.Pandiyan
3.Kodiyarasi

... Petitioners

Vs

1. The Sub Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
Crime No.235 of 2019

2. Maariyammal

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the records relating to C.C.No.4 of 2020 on the file Judicial Magistrate Court, Thittakudi and quash the same.

For Petitioners: Mr.M.Velmurugan

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor for R1
No appearance for R2

O R D E R

This Criminal Original Petition has been filed seeking to call for the records relating to C.C.No.4 of 2020 on the file Judicial Magistrate Court, Thittakudi and quash the same.

2.The learned counsel appearing for the petitioners would submit that there is a civil dispute between the parties. Taking into consideration the entire materials available on record, the offences alleged is not made out against the accused.

3.Per contra, the learned Additional Public Prosecutor would submit that the petitioners have assaulted the de-facto complainant. There are sufficient materials to substantiate the charges against the petitioners. He would further submit that the grounds raised by the petitioners is factual in nature and



no legal ground has been raised.

4. At this juncture, the learned counsel for the petitioners prayed that the personal appearance of the petitioners before the trial Court, may be dispensed with.

5. Accepting the said submission, the presence of the petitioners, before the trial Court shall be dispensed with on condition that the petitioners shall be present on the first day of appearance, on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

6. The petitioners are further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event of their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorious tactics, it is open to the Trial Court to insist for their appearance and deal with in accordance with the judgement of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous petition in CrI.M.P.No.2987 of 2022 stands closed and CrI.M.P.No.2989 of 2022 is partly allowed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vkr

To

1.The Judicial Magistrate,
Thittakkudi.



2.The Sub Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
Crime No.235 of 2019

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3.The Public Prosecutor,
High Court, Madras.

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NK(CO)
CT 23/03/2022