



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.O.P.No.10174 of 2022
and
CrI.M.P.No.6030 of 2022

T.Natanasabapathi

... Petitioner

Vs.

The State by
Inspector of Police,
W.28, AWPS, Ambattur.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to set aside the order in CrI.M.P.No.269/2022 in CC.No.108 of 2008 in CNR.No.TNTR29-000296-2022 On the file of Judicial Magistrate at Ambattur to and grant such other relief as deems fit to this Hon'ble Court.

For Petitioner : M/s.R.T.Sundari

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed against the order in C.M.P.No.269 of 2022 dated 22.03.2022 with a prayer to dispense with the physical appearance of the petitioner and permit him to file his written answers under Section 313 Cr.P.C through his counsel Mr.D.Inbaraj in C.C.No.108 of 2008.

2. The petitioner had submitted a medical certificate in support of the said application filed under Section 313(5) Cr.P.C. The trial Court after considering the same, came to the conclusion that, no specific infirmity is mentioned in the medical certificate and rejected the prayer sought for therein.

3. I am unable to accept the said finding of the trial Court. When the medical certificate relating to his disability is given and when the petitioner is 80 years old and in his own



interest, when he wants to file his written answers under Section 313 Cr.P.C., provisions through his counsel, there is no any impediment for permitting the same.

4. In that view of the matter the order dated 22.03.2022 in C.M.P.No.269 of 2022 is set aside and consequently, C.M.P.No.269 of 2022 on the file of the learned Judicial Magistrate, Ambattur stands ordered as prayed for.

5. In the result, this Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

rpl/anu

To

1. The Inspector of Police,
W.28, AWPS, Ambatttur.
2. The Judicial Magistrate,
Ambattur.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.R.T.Sundari, Advocate, S.R.No.31816

Crl.O.P.No.10174 of 2022
and
Crl.M.P.No.6030 of 2022

BR(CO)
SU(03/06/2022)