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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.11482 OF 2021

AND

CRL.M.P.NOS.6665 & 6667 OF 2021

Mr.Akilan

... Petitioner/A3

-Vs-

1. The State Represented by
The Inspector of Police,
DCB/Anti Land Grabbing-Special Cell,
Nagapattinam.

... 1st Respondent/Complainant

2. M.Natarajan @ Thirumangai Rajan

... 2nd Respondent/Defacto
Complainant

PRAYER:-

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, praying to call for the records relating to the Criminal Case in CC.No.453 of 2020 pending trial on the file of learned Judicial Magistrate I, Nagapattinam and quash the Criminal Proceedings in so far as the charges u/s 406, 465 & 420 r/w 109 of IPC levelled against the petitioner/A3 are concerned, after invoking the inherent jurisdiction of this Court u/s 482 of Cr.P.C.

For Petitioner : Mr.D.Kalaiselvi

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1

Mr.R.Kuyilan for R2



O R D E R

This Criminal Original Petition has been filed to call for the records relating to the Criminal Case in CC.No.453 of 2020 pending trial on the file of learned Judicial Magistrate I, Nagapattinam in so far as the charges u/s 406, 465 & 420 r/w 109 of IPC levelled against the petitioner/A3 are concerned, after invoking the inherent jurisdiction of this Court u/s 482 of Cr.P.C.

2. Learned Additional Public Prosecutor appearing for the first respondent would submit that in this case charges have been framed and trial has commenced and P.W.1 had been examined and the case now stands posted for the examination on 22.03.2022.

3. Since the trial has already commenced and P.W.1 stands examined, this Court is not inclined to interrupt with the proceedings at this stage.

4. This Court is of the view that all the grounds which the petitioner intends to raise before this Court, can be raised before the trial Court. This Court does not find any merit in the present petition warranting interference with the proceedings pending before the Trial Court.

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

6. Admittedly, the case of the prosecution is borne out of documents and the petitioner is aged about 64 years.

7. In view of above, the presence of the petitioner before the trial Court shall be dispensed with on condition that he 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.

8. The petitioner is 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 him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to



insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4) SCC 667.

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9. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. However, the trial Court is directed to complete the trial as expeditiously as possible preferably within a period of nine(9) months.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nr/nti

To

1. The Judicial Magistrate I,
Nagapattinam
2. -Do Thro The Chief Judicial Magistrate,
Nagapattinam.
3. The Inspector of Police,
DCB/Anti Land Grabbing-Special Cell,
Nagapattinam.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Dinesh Kumar, Advocate, S.R.No.17962
+2ccs to Mr.C.Moorthy, Advocate, S.R.Nos.18282 & 18403

CRL.O.P.NO.11482 OF 2021 AND
CRL.M.P.NOS.6665 & 6667 OF 2021

SV(CO)
PBS/01/04/2022