



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.13090 OF 2022

AND

CRL.M.P.NOS.7022 AND 7023 OF 2022

Bharani Kumar

... Petitioner

.Vs.

1. The State Rep. by
The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District.
Crime No.85 of 2022

2. Raja

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in pertaining to the final report filed by the respondent police and pending in P.R.C.No.20 of 2022 before the learned Judicial Magistrate No.I, Kancheepuram and quash the same.

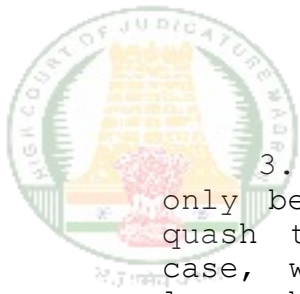
For Petitioner : Mr.S.Joel

For Respondent-1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor
For R1

O R D E R

This Criminal Original Petition has been filed seeking to quash the final report filed by the respondent police and pending in P.R.C.No.20 of 2022 on the file of the learned Judicial Magistrate No.I, Kancheepuram.

2. The main ground taken by the learned counsel for the petitioner is that the plea of alibi and that the complaint has been registered after the accused was taken into custody.



3. Since, the plea of alibi has to be decided and proved only before the trial Court, the same cannot be a ground to quash the proceedings. After going through the facts of the case, when the Court was about to dismiss the petition, the learned counsel for the petitioner submitted that the personal appearance of the petitioner before the trial Court may be dispensed with.

4. Accordingly, the personal appearance of the petitioner before the trial Court is dispensed with except for receipt of copies, answering the charges, questioning under Section 313 Cr.P.C., or on any other date as may be required by the trial Court and the petitioner shall be represented by a counsel, who shall cross examine the witnesses on the same day, when they are examined in Chief.

5. With the above directions, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition in Crl.O.P.No.7022 of 2022 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nr/ksa-2

To

1. The Judicial Magistrate No.I,
Kancheepuram.
2. The Inspector of Police,
B-1, Sivakanchi Police Station,
Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Joel, Advocate, S.R.No.36220

CRL.O.P.NO.13090 OF 2022 AND
CRL.M.P.NOS.7022 AND 7023 OF 2022

PM(CO)
PBS/24/06/2022