



CRL.O.P.No.29666 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No. 29666 of 2022

N.Gopinath

..

Petitioner

Versus

1. State rep. by
The Inspector of Police,
G-7, Achirapakkam Police Station,
Kanchipuram District.

2.Sanjeevi

...

Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to CC.NO.94 of 2021 on the file of the Judicial Magistrate-II Court, Madurantakam and quash the same as illegal, incompetent and abuse of process by allowing this Criminal Original Petition.

For Petitioner : Mr.A.Rajeswari

For Respondent-1 : Mr.E.Raj Thilak
Additional Public Prosecutor



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ORDER

This Criminal Original petition has been filed to call for the records pertaining to C.C.No.94 of 2021 on the file of the learned Judicial Magistrate II Court, Madurantakam and quash the same.

2.Heard the submissions made by either side learned counsel and perused the materials available on record.

3.The learned counsel for the petitioner submitted that despite that there is a civil suit pending , the second respondent has given a criminal color for a civil matter.

4.Per contra, the learned Additional public Prosecutor for the respondent submitted that the trial has already commenced and the matters is posted on 05.01.2023 for examination of further witnesses. Since the trial has commenced the petitioner is at liberty to raise all the points which she has now made out as her defense and participate in the trial.



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5.The learned counsel for the petitioner further submitted that the

petitioner is an advocate and his personal appearance is dispensed with.

Since the trial has already been commenced such a blanket order to dispense the personal appearance of the petitioner cannot be granted. However, the petitioner is at liberty to file a petition under Section 317 Cr.P.C., whenever it is possible to make his personal appearance.

With these observations this criminal original petition stands **disposed of.**

02.12.2022

Index: Yes/No

Internet: Yes/No

Speaking/ Non-speaking

jrs



WEB COPY



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R.N.MANJULA,J.

jrs

To:

1. The Inspector of Police,
G-7, Achirapakkam Police Station,
Kanchipuram District.
- 2.The Public Prosecutor,
High Court, Madras.

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