



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.172 of 2022

Manikandan

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Allinagaram Police Station,
Theni.

2.Priya

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the charge sheet pending against the petitioner/accused in C.C.No.113 of 2019 on the file of the learned Judicial Magistrate (Additional Mahila, Magistrate Level), Theni.

For Petitioner : Mr.R.Sevugaraja
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

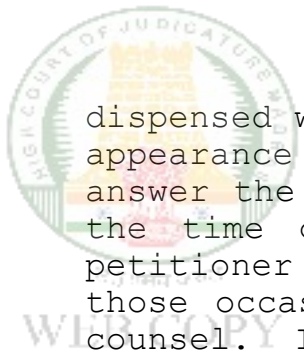
O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

2.The petitioner is facing trial in C.C.No.113 of 2019 on the file of the Additional Mahila Court (Magisterial Level), Theni, for the offences under Sections 294(b) and 506(ii) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Woman Act, 2002.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. His first contention is that the petitioner was very much working in his employer's factory, when the occurrence is said to have taken place. This plea of alibi is purely factual and it has to be established before the trial Court. His second contention is that the petitioner is having certain psychotic issues. If that be so, materials to that effect can certainly be placed before the Court below and the Court below, I am sure would take note of the same.

4.With these observations, this criminal petition is dismissed. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the Court below is



dispensed with. However, the Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Judicial Magistrate,
Additional Mahila Court (Magisterial Level),
Theni.
- 2.The Inspector of Police,
Allinagaram Police Station,
Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.172 of 2022
06.01.2022

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