



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.264 of 2022

P.Arockia Yesu Doss

... Petitioner/ Accused No.3

Vs.

1.The State represented by
The Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No.260 of 2021)

... Respondent/ Complainant

2.Jerold Amalraj

... Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the impugned proceedings in C.C.No.115 of 2021 on the file of the learned Judicial Magistrate Court, Kulithalai, Karur District and quash the same as far as concerned this petitioner.

For Petitioner : Ms.K.Karpagam
For Respondents : Mr.E.Antony Sahayar Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

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

2.The petitioner is facing trial as third accused in C.C.No.115 of 2021 on the file of the learned Judicial Magistrate Court, Kulithalai, Karur District.

3.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. She would submit that at the time of the occurrence, only the petitioner's parents were present while the petitioner was working elsewhere at Coimbatore. Since the petitioner's family and the defacto complainant's family are having a long pending civil dispute, the petitioner has been falsely implicated. Though the contention advanced by the petitioner's counsel is quite persuasive, in view contentions nature of facts involved, I cannot invoke the inherent



powers to grant relief to the petitioner. The petitioner has to necessarily prove his innocence before the Court below. All the contentions of the petitioner are left open. This criminal original petition is dismissed. However, taking note of the contentions advanced by the learned counsel for the petitioner, the petitioner's appearance before the Court below is dispensed. 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. The learned Judicial Magistrate is directed to dispose of the case on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. Such a direction is given, since the petitioner's employment prospects may be affect.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /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,
Kulithalai, Karur District.
- 2.The Inspector of Police,
Thogamalai Police Station, Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.KARPAGAM, Advocate (SR-888[F] dated 07/01/2022)

Cr1.O.P(MD)No.264 of 2022

07.01.2022

RD(25.01.2022) 2P 5C