



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2365 of 2022

and

Crl.M.P(MD)Nos.1733 and 1735 of 2022

Sooraj

... Petitioner/
Accused No.2

Vs.

1.The State represented by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.246 of 2017)

... 1st Respondent/
Complainant

2.Deepa Gopal

... 2nd Respondent/
De-facto Complainant/
Victim

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the Charge Sheet in C.C.No.152 of 2018 on the file of the learned Judicial Magistrate No.I, Kuzhithurai and quash the same in respect of the petitioner as illegal.

For Petitioner : Mr.G.Anto Prince
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side) for R.1

ORDER

This Criminal Original Petition has been filed to quash the impugned proceedings.

2. The petitioner's counsel reiterated all the contentions set out in the memorandum of grounds.

3. Since contentious facts are involved, I am not in a position to go into the same. However, the learned Judicial Magistrate No.I, Kuzhithurai, is directed to conclude the case on merits and in accordance with law within a period of three months after the physical hearings or trials resume.



4. Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner before the Court below shall stand dispensed with. The Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charges, examination under Section 313 Cr.P.C., 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. All the contentions of the petitioner are left open. This Criminal Original Petition is disposed of, accordingly. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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 Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-4351[F] dated 04/02/2022)
Crl.O.P(MD)No.2365 of 2022
and
Crl.M.P(MD)Nos.1733 and 1735 of 2022
04.02.2022

MGJ(25.02.2022) 2P 4C