



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1229 of 2022

and

Crl.M.P.(MD)Nos.899 & 901 of 2022

WEB COPY

Shanmugapandi ... Petitioner / Accused No.7
vs.

1.The Inspector of Police,
Valanthoor Police Station,
Usilampatti,
Madurai District.
(In Crime No.5 / 2014) ... 1st Respondent/ Complainant

2.S.Malarvizhi ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.33 of 2015 pending before the learned Judicial Magistrate No.II, Usilampatti, Madurai District and quash the same insofar as the petitioner / accused No.7 is concerned.

For Petitioner : Mr.R.Babu Jaganath

For R1 : Mr.Thanga Aravindh
Government Advocate (Crl.Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (crl.side) appearing for R1.

2. The petitioner is facing trial in C.C.No.33 of 2015 on the file of the Judicial Magistrate No.II, Usilampatti.

3. The petitioner's counsel contended that trial in this case has already commenced and the petitioner has not been implicated at all.

4. Be that as it may, since trial has commenced, I do not want to interfere at this stage. The petitioner can as well face the case on merits. Leaving open all the contentions of the petitioner, this Criminal Original Petition is dismissed.



5. The petitioner's counsel points out that the petitioner is working as a constable in BSF.

6. Taking note of the said situation, the appearance of the petitioner before the court below is dispensed with. The petitioner can as well be represented through counsel. He can appear before the court below even for examination under Section 313 of Cr.P.C as well as at the time of Judgement through video conference. Such a concession is given to the petitioner taking note of his present position as a constable in BSF. I make it clear that I have not gone into the merits of the matter. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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 No.II, Usilampatti, Madurai District.
- 2.The Inspector of Police,
Valanthoor Police Station,
Usilampatti,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P. (MD)No.1229 of 2022
25.01.2022

_RD(08.02.2022) 2P 4C