



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2004 of 2022

and

Crl.M.P. (MD)Nos.1459 and 1460 of 2022

C.Mohankumar

... Petitioner/Accused No.12

Vs.

1.The State rep by,
The Inspector of Police,
Melavalavu Police Station,
Madurai District.
(Crime No.46 of 2011)

...1st Respondent/Complainant

2.A.R.Chandrasekar,
Village Administrative Officer,
41 Ettimangalam,
42 Kattaiyampatti,
Madurai District.

... 2nd Respondent/
Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records connected with the case in C.C.No.38 of 2011 on the file of the learned Judicial Magistrate Court, Melur and quash the same as illegal as against the petitioner.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

2.The petitioner is facing trial in C.C.No.38 of 2011 on the file of Judicial Magistrate, Melur. Since the trial had already commenced, I am not inclined to invoke the jurisdiction under Section 482 of CrPC. However, taking note of the fact that the occurrence dates back to the year 2011, the learned trial magistrate is directed to dispose of C.C.No.38 of 2011 on merits and in accordance with law within a period of three months from the next



hearing. This criminal original petition is disposed of. The defences of the petitioner are left open. 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 her counsel. If the petitioner's counsel is also absent, the benefit of dispensing with the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

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

COPY TO:

The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.

CrI.O.P(MD)No.2004 of 2022
02.02.2022

GM(CO)

GC(18.02.2022) 2P 5C

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