



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.2033 of 2022

and

Crl.M.P. (MD) Nos.1482 and 1483 of 2022

WEB COPY

- 1.Illayaperumal
- 2.Dhanalingam
- 3.Rajarajan
- 4.Karmegam

... Petitioners/Accused 1 to 4

Vs.

1. The State rep by,
The Inspector of Police,
District Crime Branch,
Madurai, Madurai District.
(Crime No.9 of 2021)

... Respondent/Complainant

2. Veluchamy

... Respondent/Defacto Complainant

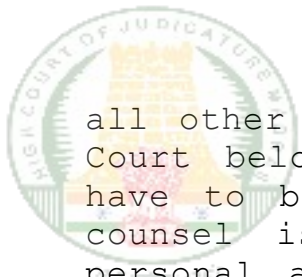
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of the charge sheet in connection with C.C.No.16 of 2021 on the file of the learned Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai and quash the same.

For Petitioners : Mr.B.Jeyakumar
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

O R D E R

This criminal original petition has been filed to quash the impugned proceedings in C.C.No.16 of 2021 on the file of the learned Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai

2.Since the contentions advanced by the learned counsel for the petitioners involve contentious facts, I am not in a position to consider the same. Leaving open all the defences and contentions of the petitioners, this criminal original petition is dismissed. However, taking note of the overall facts and circumstances, the personal appearance of the petitioners before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioners 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 petitioners need not appear before the Court below. However, on those occasions, the petitioners will have to be represented by their counsel. If the petitioners' counsel is also absent, the benefit of dispensing with the personal appearance of the petitioners will stand automatically vacated. It is stated that the fourth petitioner is a Soldier working in Indian Army. Therefore, the fourth petitioner can be permitted to appear before the Court below through video conferencing. He can also execute a special vakalat to a counsel, who can represent him even during examination under Section 313 of CrPC. The fourth respondent will be required to appear before the Court below only at the time of pronouncement of judgment. On all other occasions his appearance can be dispensed with. But then, his counsel will have to appear. If his counsel fails to appear, the benefit of this order will automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// 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,
Special Court for Exclusive Trial of Land Grabbing Cases,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.JEYAKUMAR, Advocate (SR-4251[F] dated 04/02/2022)

Crl.O.P (MD)No.2033 of 2022

02.02.2022