



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18412 of 2021

and

Crl.M.P.(MD)Nos.10134 and 10135 of 2021

Leyronne Morais

...Petitioner/Accused No.2

Vs.

1.The Inspector of Police (IG),
Thiruverumbur Police Station,
Trichirapalli District.
(Crime No.97 of 2021)

...1st Respondent/Complainant

2.Paul Gerald Edwin

...2nd Respondent/
De-facto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records in P.R.C No.75 of 2021 on the file of learned Judicial Magistrate No.6, Trichy, quash the same in respect of the petitioner.

For Petitioner	:	Mr.Anantha Padma Nabhan
		For M/s.K.K.Ramakrishnan
For R1	:	Mr.E.Antony Sahaya Prabahar
		Additional Public Prosecutor
For R2	:	Mr.B.Prasanna Vinoth

ORDER

Heard the learned Counsel on either side.

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

3. The learned Counsel appearing for the petitioner reiterated all the contentions set out in the memorandum of the grounds.

4. According to the learned Counsel for the petitioner, there is absolutely no eye witness to the occurrence and that all the other listed witnesses are only hearsay witnesses. He also would state that the relationship between the petitioner and the defacto complainant is under considerable strain and that therefore the defacto complainant has falsely implicated the petitioner herein.



According to the petitioner's Counsel, the petitioner was not even present in the scene of occurrence.

5. In my view, these are the contentious questions and they have to be gone into only in trial. While exercising jurisdiction under Section 482 Cr.P.C I may not be in a position to go into such contested facts. Leaving open the petitioner's contentions and defences, this Criminal Original Petition is dismissed.

6. 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 of 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 the personal appearance of the petitioner will stand automatically vacated. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// 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 No.6,
Trichy,
- 2.The Inspector of Police (IG),
Thiruverumbur Police Station,
Trichirapalli District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-697[F]
dated 07/01/2022)

+2 CC to M/s.K.K.RAMAKRISHNAN, Advocate (SR-841 & 1048[F]

CrI.O.P. (MD)No.18412 of 2021

06.01.2022

BK (CO)

GC (25.01.2022) 3P 7C