



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)Nos.20848 & 20860 of 2021

and

Crl.M.P. (MD)Nos.11952, 11954, 11957& 11958 of 2021

Jeyaprakash

... Petitioner in both Crl.O.Ps/
Sole Accused

vs.

- 1.State represented by
The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
(Crime Nos.111 &112 of 2016) ... 1st Respondent/Complainant
2. Chandran,
Assistant Engineer,
TANGEDCO, Thiruchendur,
Thoothukudi District. ... 2nd Respondent/
Defacto Complainant in both Crl.O.Ps.

COMMON PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to Spl.C.C.Nos.5 & 4 of 2021, respectively on the file of the learned Principal District and Sessions Court, Thoothukudi and quash the same as illegal.

For Petitioner	: Mr.P.T.Ramesh Raja
For Respondents	: Mr.E.Antony Sahaya Prabahar Additional Public Prosecutor (in both Crl.O.Ps)

COMMON ORDER

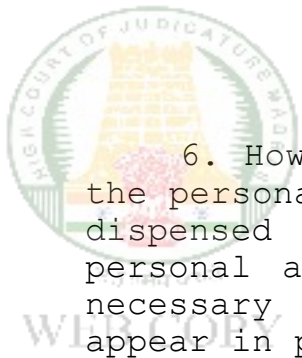
Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. These Criminal Original Petitions have been filed to quash the impugned proceedings.

3. This case arises under the Electricity Act. The prosecution alleges that there was theft of electricity by the petitioner.

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

5. Though they are quite persuasive, in view of the contentious nature of the facts involved, I am not in a position to consider the same. Leaving open the petitioner's defences and contentions, the Criminal Original Petitions are dismissed.



6. However, taking note of the overall facts and circumstances, the personal appearance of the petitioner before the court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioner can be represented through their counsel. 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 Principal District and Sessions Judge,
Thoothukudi.
- 2.The Principal District Munsif Cum Judicial Magistrate,
Tiruchendur.
- 3.The Inspector of Police,
Kulasekarapattinam Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.T.RAMESH RAJA, Advocate (SR-1072[F] dated 10/01/2022)
Crl.O.P.(MD)Nos.20848 & 20860 of 2021
and
Crl.M.P.(MD)Nos.11952, 11954, 11957& 11958
07.01.2022

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