



Crl.O.P.(MD)No.352 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.352 of 2023

and

Crl.M.P.(MD)Nos.275 and 281 of 2023

Rajasekar

... Petitioner

Vs.

1.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
(Crime No.131 of 2017)

2.Sikkandhar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating the S.T.C.No. 430 of 2018 on the file of the Judicial Magistrate No.I, Pudukkottai, pending disposal of the above criminal original petition before this Court and quash the same.

For Petitioner : Mr.D.Rameshkumar

For R1 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the S.T.C.No.430 of 2018 on the file of the Judicial Magistrate No.I, Pudukkottai and quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the first respondent.

3. The learned counsel appearing for the petitioner would submit that it would be suffice, if the trial Court is directed to dispose of the case within a time frame fixed by this Court.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent would submit that the case stands posted on 10.01.2023 for cross-examination of P.W.1.



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5. Considering the above facts and circumstances and also the fact that the case is pending from 2018 onwards and also taking note of the limited prayer now sought for by the learned counsel appearing for the petitioner, the learned Judicial Magistrate No.I, Pudukkottai is directed to complete the trial and dispose of the case in S.T.C.No.430 of 2018 within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition in Crl.M.P. (MD)No.275 of 2023 is closed.

7. Considering the facts and circumstances, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all the hearings, specifically directed by the trial court. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine



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the prosecution witnesses on the same day they are examined in chief.

The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Judicial Magistrate No.I,
Pudukkottai.
- 2.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

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Order made in
Crl.O.P.(MD)No.352 of 2023
and
Crl.M.P.(MD)Nos.275 and 281 of 2023

Dated: 09.01.2023