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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.3441 of 2020

and

CrI.M.P(MD).Nos.1837 and 1838 of 2020

Gandhi Selvin

... Petitioner /Sole Accused

Vs.

1.State rep. by

Inspector of Police,

Pavoorchatram Police Station,

Tirunelveli District.

(Crime No.392 of 2016)

... 1st Respondent/Complainant

2. Mehanathan,

Special Sub Inspector of Police,

Pavoorchatram Police Station,

Tirunelveli District.

... 2nd Respondent/Defacto Complainant



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PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records in C.C.No.87 of 2017 on the file of the Learned Judicial Magistrate, Tenkasi, Tenkasi District and quash the charge sheet as against the Petitioner herein.

For Petitioner : Mr.K.Veilmuthu

For Respondents : Mr.M.Muthumanikkam,

Government Advocate(Crl.Side)

for R1

ORDER

When the matter is taken up for hearing the learned counsel for the petitioner submitted that even though there are some arguable points in this petition, he seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further requested this Court to dispense with the appearance of the petitioner before the trial Court during trial. He also submitted that since this case is pending from 2017 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.



2. This Court is inclined to accept the request of the petitioner.

Hence, this petition is disposed of with the following directions:

1. The learned Judicial Magistrate, Tenkasi, Tenkasi District, is directed to dispose the case in C.C.No.87 of 2017 within a period of six months from the date of receipt of a copy of this order.
2. The petitioner is directed to raise all the points before the trial Court.
3. The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.

3.1. The petitioner is directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates.

3.2. The petitioner shall not dispute the identity of the witnesses.

3.3. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of



identification.

3.4. If the petitioner adopt 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.*

Consequently, connected miscellaneous petitions are closed.

08.12.2023

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

vsg

To

1. The Judicial Magistrate,
Tenkasi, Tenkasi District.
2. The Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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