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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.03.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

Crl.O.P.(MD)No.5147 of 2023
and Crl.M.P.(MD).Nos.4533 & 4534 of 2023

G.S.Sreenath ... Petitioner/Accused No.2

Vs.

1.State rep. by
The Inspector of police,
Marthandam Police Station,
Kanniyakumari District.
(Crime NO.507 of 2015) ... 1st Respondent/Complainant

2.John R.Sibimon ... 2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned Charge Sheet in S.C.No6/2022 on the file of the learned Judicial Magistrate No.I, Kulithurai, Kanyakumari District and quash the same as illegal so far as the petitioner is concerned.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.S.Manikandan for R1
Government Advocate (Crl. Side)

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O R D E R

This petition has been filed to quash the impugned Charge Sheet in S.C.No6/2022 on the file of the learned Judicial Magistrate No.I, Kulithurai, Kanyakumari District, as against the petitioner is concerned.

2.The petitioner is facing trial before the trial Court for the offences punishable under Sections 3(1) of TNPPDL Act, 1992 @ 120(B) of IPC r/w. 3(1) of TNPPDL Act, 1992 in Crime No.507 of 2015 on the file of the respondent police.

3.On the earlier hearing, the petitioner was required to produce his ID Card. Today, the ID card of the petitioner has been produced before this Court, wherein, it was found that he is residing in Bangalore and working as Junior Technician in Magnacool Engineers. Considering the allegations levelled against the petitioner, this Court is not inclined to entertain this petition.

4.However, the learned counsel for the petitioner would submit that it would suffice if the personal appearance of the petitioner before the trial Court is dispensed with.

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5.Accordingly, without going into the merits of this case, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, considering the fact that the petitioner is residing in Bangalore, his personal appearance before the trial Court is dispensed with the following condition.

> *(i)The petitioner shall appear before the learned Judicial Magistrate No.I, Kulithurai, Kanniyakumari District, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing his recent passport size photograph, to the effect that he will appear before the trial Court as and when required and must ensure his proper representation through Advocate.*

28.03.2023

Index : Yes/No
Internet : Yes/No
TM

To

1.The Judicial Magistrate No.I, Kulithurai, Kanyakumari District.

2.The Inspector of police, Marthandam Police Station,
Kanniyakumari District.

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

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G.ILANGOVAN. J.

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