



1 *CrI.O.P.(MD) No.11461 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P.(MD). No.11461 of 2020

and

CrI.M.P(MD). No.5237 of 2020

Sundar Rajan

... Petitioner

Vs.

1.The Inspector of Police,
Town Crime Police Station,
Karaikudi,
Sivagangai District.
In Crime No.335 of 2020

2.Kalyani

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records in pursuant to C.C.No.5 of 2013 on the file
of the Principal District Musif Cum Judicial Magistrate Court, Karaikudi
and quash the same.

For Petitioner : Mr.K.Sundaravel

For Respondent : Mr.P.Kottaichamy (for R1)
Government Advocate (CrI. Side)



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ORDER

The petitioner/A3 filed this petition to quash the proceedings pursuant to C.C.No.5 of 2013 on the file of the Principal District Musif Cum Judicial Magistrate Court, Karaikudi.

2. According to the prosecution, A1 is locker heads, who is the husband of the defacto complainant. The defacto complainant namely, Kalyani, kept her valuable in a locker at State Bank of India, Karaikudi Branch, in a joint account. The defacto complainant filed an EP and got an order in 2009 from the trial Court to get the custody of the valuables in the locker. But, the petitioner and other accused said to have conspired together and A1 took all the articles in the locker. Hence, the defacto complainant gave a complaint. Based on which, a case in Crime No.335 of 2020 has been registered for the offence under Sections 120(b), 409, 420, 468 and 477(A) of IPC. Challenging the same, the petitioner filed this criminal original petition.

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioner seek 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 learned trial Judge during the course of trial. He also submitted that since this case is pending from 2013 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame. The case is pending from 2013 onwards and therefore, this Court inclined to issue a direction to dispose the case within the stipulated time.

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

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

1. The learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, is directed to dispose the case in C.C.No.5 of 2013 within a period of six months from the date of receipt of a copy of this order.
2. The petitioner is permitted to raise all the points before the trial Court and the learned trial Judge is also directed to consider the same in accordance with law.
3. The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) date of framing charges and consequential questioning;
 - (ii) The date of questioning under Section 313 Cr.P.C;



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(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, the connected criminal miscellaneous petition is also closed.

12.12.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Principal District Musif
Cum Judicial Magistrate Court,
Karaikudi.
- 2.The Inspector of Police,
Town Crime Police Station,
Karaikudi,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madura;



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K.K.RAMAKRISHNAN, J.

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