



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2023

CORAM:

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

CrI.O.P.(MD) No.12759 of 2020

and

CrI.M.P(MD).Nos.5834 and 5835 of 2020

1. Murugan

2. Rajasekar

3. Sankar

... Petitioners/Accused 4 to 6

Vs.

1.State rep. by

the Inspector of Police,

District Crime Branch,

Thanjavur.

... 1st Respondent/Complainant

2. M.Valarmathi

... 2nd Respondent/Defacto Complainant



PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records pertaining to C.C.No.14 of 2020 pending on the file of the Judicial Magistrate Court, Thiruvaiyaru, quash the same.

For Petitioners : Mr.P.Vadivel

For Respondents : Mr.P.Kottaichamy,
Government Advocate(Crl.Side)
for R1

: Mr.T.Antony Arulraj for R2

ORDER

When the matter is taken up for hearing the learned counsel for the petitioners 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 petitioners before the trial Court during trial. He also submitted that since this case is pending from 2020 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.



WEB COPY

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

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

1. The Judicial Magistrate Court, Thiruvaiyaru, is directed to dispose the case in C.C.No.14 of 2020 within a period of three months from 01.02.2024.

2. The petitioners are directed to raise all the points before the trial Court.

3. The appearance of the petitioners 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 petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.

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

3.3. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.



3.4. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 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.

07.12.2023

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

vsg

To

1. The Judicial Magistrate,
Thiruvaiyaru.
2. The Inspector of Police,
District Crime Branch,
Thanjavur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



5

K.K.RAMAKRISHNAN, J.

vsg

Crl.O.P.(MD) No.12759 of 2020
and
Crl.M.P(MD).Nos.5834 and 5835 of 2020

07.12.2023