



Crl.O.P(MD)No.13203 of 2020

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16.10.2023

CORAM :

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD).No.13203 of 2020
and
Crl.M.P.(MD).No.6050 of 2020

1.Sekar

2.Rajendiran

... Petitioners

Vs.

1.The State rep by
The Inspector of Police,
Nalattinpudur, Thoothukudi.

2.Pasupathi
Presiding Officer,
Booth No.126,
Kovilpatti Panchayat Union,
Vijayapuri.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records in S.T.C.No.694 of 2020, on the file of the Judicial Magistrate No-I, Kovilpatti and to quash the same.

For Petitioners : Mr.A.Sivasubramanian

For Respondents : Mr.M.Muthu Manikkam
Government Advocate (Crl.Side)
for R1



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ORDER

This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.694 of 2020, on the file of the Judicial Magistrate No-I, Kovilpatti.

2. The petitioners are said to have committed offence under Section 447, 353 and 132 of Representation of People Act 1951 and they have filed this quash petition.

3. Today, when the matter is taken up for hearing, the learned Government Advocate (Crl.Side), on instructions, submits that the trial has commenced and P.W.1 to P.W.5 have been examined.

4. Therefore, the petitioners seeks permission of this Court to raise all the contentions before the learned trial Judge and requested to dispense with the appearance of the petitioners.



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5. This Court accepts the same and dispose of this Criminal Original with the following terms:

5(i). The petitioners are at liberty to raise all the contentions raised in this case before the trial Court and the learned trial Judge is hereby directed to consider the same.

5(ii). The appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:

- (a) The date of questioning under Section 313 Cr.P.C;
- (b) On the date of Judgement.

5.(iii). 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.

5.(iv). The petitioners shall not dispute the identity of the witnesses.

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

5.(vi). If the petitioners adopt any dilatory tactics, it is open to the Trial



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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 petition stands closed.

16.10.2023

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

sbn

To

- 1.The Judicial Magistrate No.1,
Kovilpatti.
- 2.The Inspector of Police,
Nalattinpudur, Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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