



CrI.R.C.(MD).No.572 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.RC(MD).No.572 of 2019

and

CrI.M.P(MD). Nos.7207 and 11311 of 2019

Kaja Hussain

... Petitioner/ Accused No.2

Vs.

The Inspector of Police,

CBCID,

Theni,

(in Virudhunagar District Crime Branch

Crime No.10 of 2012)

... Respondent/Complainant

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records of the learned Judicial Magistrate No.II, Virudhunagar in Cr.M.P.No.103 of 2017 in C.C.No.55 of 2016 and to set aside the same.

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For Petitioner : Mr.S.Deenadhayalan
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

When the matter is taken up for hearing the learned counsel for the petitioner submitted that eventhough 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 2016 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:



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1. The learned Judicial Magistrate No.II, Virudhunagar, is directed to dispose the case in C.C.No.55 of 2016 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.



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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 No.II,
Virudhunagar.
2. The Inspector of Police,
CBCID, Theni.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

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K.K.RAMAKRISHNAN, J.

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