



WEB COPY



Crl.RC.No.163 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.07.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.163 of 2024
and
CRL.M.P.Nos.1366 and 1367 of 2024

Kumaresan

...Petitioner

Vs.

1. State, Represented by
The Inspector of Police,
All Women Police Station,
Omalur, Salem District.
(Cr.No.29 of 2021)

2. Sridevi

...Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure against the order dated 30.10.2023 dismissing the petitioner's application under Section 227 of Cr.P.C seeking discharge on the file of the Principal Sessions Judge, Salem.

For Petitioner : Mr.D.Shivakumaran

For Respondent : Mr.A.Gopinath for R1
Government Advocate (Crl.Side)

No Appearance for R2



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ORDER

This Criminal Revision Case is filed against the order dated 30.10.2023 dismissing the petitioner's application under Section 227 of Cr.P.C seeking discharge on the file of the Principal Sessions Judge, Salem.

2. The petitioner has filed a discharge petition u/s 227 of Cr.P.C. to discharge them from the charges levelled against them, before the Court of Principal Sessions Judge, Salem in C.M.P.No.1508 of 2023 in Spl.S.C.No.9 of 2022, which was dismissed by the trial Court vide impugned order, dated 30.10.2023. Challenging the same, the petitioner has filed the present revision.

3. Though very many grounds have been raised by the petitioner against the order impugned, however, when the matter is taken up for hearing today, the learned counsel appearing for the petitioner submitted that the petitioner would contest the case and this Court, without going into the merits of the case may dispense with the appearance of the petitioner before the trial court.

4. Though such a prayer has been sought for, however, it is to be



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pointed out that the presence of the petitioner cannot be dispensed with in toto. In such view of the matter, this Court, without going into the merits of the case, directs that the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving copies u/s.207 and questioning under Section 313 Cr.P.C. and on the day on which judgment is to be pronounced. However, if for any particular reason, the presence of the petitioner is necessary, the trial court, at its wisdom, shall direct his appearance on those days.

5. Accordingly, this Criminal Revision Case is dismissed. In view of the order passed in the present Criminal Revision petition, the Criminal Miscellaneous Petition in Crl.M.P.No.1367 of 2024 seeking to dispense with the personal appearance of the petitioner before the trial Court is closed. Consequently, connected miscellaneous petition in Crl.M.P.No.1366 of 2024 is also closed.

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No



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M.DHANDAPANI, J.

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To

1. The Inspector of Police,
All Women Police Station,
Omalur, Salem District.
2. The Principal Sessions Judge, Salem.
3. The Public Prosecutor
High Court, Madras.

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