



Crl.RC.No.307 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2024

CORAM:

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

Crl.RC.No.307 of 2023
and
CRL.M.P.No.2541 of 2023

S.Janarthanam

...Petitioner

Vs.

State Rep. by its
Sub Inspector of Police,
Salavakkam Police Station,
Uthiramerur.
(Crime No.415 of 2021)

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure against the order passed in Crl.M.P.No.1397 of 2022 in C.C.No.10 of 2022 dated 02.12.2022 on the file of the Learned District Munsif-cum-Judicial Magistrate, Uthiramerur and set aside the same.

For Petitioner : Mr.Niranjan Rajagopalan

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



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ORDER

This Criminal Revision Case is filed to set aside the order passed in Crl.M.P.No.1397 of 2022 in C.C.No.10 of 2022 dated 02.12.2022 on the file of the learned District Munsif-cum-Judicial Magistrate, Uthiramerur.

2. The petitioner has filed a discharge petition u/s 227 of Cr.P.C. to discharge him from the charges levelled against him, before the learned District Munsif-cum-Judicial Magistrate, Uthiramerur in Crl.M.P.No.1397 of 2022 in C.C.No.10 of 2022, which was dismissed vide impugned order, dated 02.12.2022. 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.



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4. Though such a prayer has been sought for, however, it is to be 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. Consequently, connected miscellaneous petition is closed.

10.07.2024

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

M.DHANDAPANI, J.



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To

1. The Sub Inspector of Police,
Salavakkam Police Station,
Uthiramerur.
2. The District Munsif-cum-Judicial Magistrate, Uthiramerur
3. The Public Prosecutor
High Court, Madras.

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