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Crl.R.C.No.453 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.R.C.No.453 of 2023

C.Purantharadasan

... Petitioner

Vs.

1. The Union Territory of Puducherry,
Rep. By the
Station House Officer,
CBCID Police Station,
Puducherry.
(Crime No.2/2020)

2. K.Dayanadhi
S/o.Govindasamy,
No.4, Poonthottam Street,
Mudhaliyarpettai,
Puducherry.
(R2 impleaded as per order dated 15.06.2024 in
Crl.MP.No.8222 of 2023 in Crl.Rc.No.453/2023
by this Court)

... Respondents

Prayer : Criminal Revision Petition filed under Section 397 r/w. 401 of Criminal Procedure Code, to call for the records relating to the order made in Crl.MP.No.9891 of 2022 in CC.No.276 of 2022 on the file of the Judicial Magistrate, Puducherry and set aside the same.



Crl.R.C.No.453 of 2023

WEB COPY

For Petitioner : Mr.V.S.Senthilkumar

For Respondent : Mr.K.S.Mohandas, R1

Public Prosecutor (Pondy)

Mr.G.Mohammed Aseef R2

ORDER

This Criminal Revision case has been filed seeking quashment of the order made in Crl.MP.No.9891 of 2022 in CC.No.276 of 2022 on the file of the Judicial Magistrate, Puducherry.

2. The petitioner is the first accused in Cr.No.2 of 2020 on the file of the first respondent and the first respondent filed charge sheet against the petitioner along with other accused and the same was numbered as CC.No.276 of 2022 for the alleged offence under Section 420 and 34 IPC, in which, the petitioner filed a petition u/s. 239 of Cr.P.C. in Crl.MP.No.9891 of 2022, seeking to discharge him from the charges framed against him, which was dismissed by the trial, vide impugned order dated 07.02.2023. Challenging the same, the petitioner has filed the present revision.



CrI.R.C.No.453 of 2023

WEB COPY

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 before the trial Court and therefore, 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 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, direct 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.



Crl.R.C.No.453 of 2023

5. Accordingly, this Criminal Revision Case is dismissed.

WEB COPY

12.07.2024

Index: Yes/No
Speaking/Non-Speaking order
Rli

To

1. The Station House Officer,
CBCID Police Station,
Puducherry.

2. The Judicial Magistrate, Puducherry

3. The Public Prosecutor,
Pondicherry,
High Court of Madras.



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Crl.R.C.No.453 of 2023

M.DHANDAPANI, J.

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Crl.R.C.No.453 of 2023

12.07.2024