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Crl.R.C.No.740 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

Crl.R.C.No.740 of 2024
and Crl.M.P.No.6922 of 2024

Abhinav Arora

... Petitioner

Vs.

The State Rep by
The Drug Inspector,
Thiruvarur Range,
Office of the Assistant Director of Drgus Control,
Thanjavur Zone,
No.2975, Gandhiji Road,
Thanjavur – 01.

... Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C, praying to call for the records and to set-aside the order dated 13.03.2024 passed in Crl.M.P.No.1184 of 2024 in C.C.No.28 of 2016 by the learned Chief Judicial Magistrate, Tiruvarur and allow the above revision petition by discharging the above revision petitioner.

For Petitioner : Mr.Shivshivanandaraj
Senior Counsel
for M/s.Karthikeyan Sekar

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



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ORDER

This Criminal Revision Case is filed against the order passed in Crl.M.P.No.1184 of 2024 in C.C.No.28 of 2016 dated 13.03.2024 on the file of the learned Chief Judicial Magistrate, Tiruvarur.

2. The petitioner has filed a petition u/s 245(2) of Cr.P.C. seeking to discharge the petitioner/Accused No.2 from C.C.No.28 of 2016 on the file of the learned Chief Judicial Magistrate, Tiruvarur in Crl.M.P.No.1184 of 2024 in C.C.No.28 of 2016 as per the directions of the Hon'ble Apex Court, however, the discharge petition was dismissed by the trial court, without any discussion based on the order passed by the learned Single Judge of this Court, vide impugned order, dated 13.03.2024. 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 Senior 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



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court and direct the trial court to decide the issue without being influenced by any of the observations made by the Hon'ble Apex Court as well as this court in the quash petition.

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 u/s 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. Further, this court grants liberty to the petitioner to canvass all the issues before the trial court.

5. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected criminal miscellaneous petition is closed.

10.06.2024

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



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NCC : Yes / No
sp

M.DHANDAPANI, J.

sp

To

- 1.The Chief Judicial Magistrate, Tiruvarur.
- 2.The The Drug Inspector, Thiruvarur Range, Office of the Assistant Director of Drgus Control, Thanjavur Zone, No.2975, Gandhiji Road, Thanjavur – 01.
- 3.The Public Prosecutor, Madras High Court, Chennai.

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