



Crl.RC.No.843 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2024

CORAM:

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

Crl.RC.No.843 of 2022
and
CRL.M.P.No.8560 of 2022

Thangarajan

...Petitioner

Vs.

The Inspector of Police,
Kariyappattinam Police Station,
Nagapattinam District.
(Crime No.250 of 2009)

...Respondent

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure to set aside the order passed in Crl.M.P.No.106 of 2018 in S.C.No.156 of 2017 dated 05.05.2022 on the file of Assistant Session Judge /Chief Judicial Magistrate Court, Nagapattinam dated 05.05.2022 and discharge the petitioner in S.C.No.156 of 2017.

For Petitioner : Mr.R.Sivakumar
for M/s.K.M.Vijayan Associates

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.106 of 2018 in S.C.No.156 of 2017 dated 05.05.2022 on the file of Assistant Session Judge /Chief Judicial Magistrate Court, Nagapattinam.

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 Assistant Session Judge / Chief Judicial Magistrate Court, Nagapattinam in Crl.M.P.No.106 of 2018 in S.C.No.156 of 2017, which was dismissed vide impugned order, dated 05.05.2022. 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
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1. The Inspector of Police,
Kariyappattinam Police Station,
Nagapattinam District.
2. The Assistant Session Judge /
Chief Judicial Magistrate Court,
Nagapattinam
3. The Public Prosecutor
High Court, Madras.

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