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Crl.R.C.No.1030 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**Crl.R.C.No.1030 of 2024 and
Crl.M.P.No.8757 of 2024**

M.Vishnuvarman

... Petitioner

Vs.

The State,
Represented by through the Inspector of Police,
Central Crime Branch-II, Unit-26,
Anti Land Grabbing Special Cell-II,
Veperi, Chennai-600 007.

... Respondent

PRAYER : Criminal Revision filed under Section 397 r/w Section 401 of the code of Criminal Procedure, 1973 to call for the records relating to the order of the learned Judicial Magistrate No.I, Tambaram in Crl.M.P.No.466 of 2024 in C.C.No.235 of 2020 dated 04.06.2024 and set aside the same by allowing the criminal revision.

For Petitioner

:

Mr.T.Gowthaman
Senior counsel for
Mr.P.Soundararajan



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

ORDER

This criminal revision case has been filed to set aside the order dated 04.06.2024 made in Crl.M.P.No.466 of 2024 in C.C.No.235 of 2020 on the file of the learned Judicial Magistrate No.I, Tambaram.

2. The petitioner has filed a petition u/s 239 of Cr.P.C. seeking to discharge him from the charges under Sections 419, 465, 467, 471 r/w. 120B of IPC before the learned Judicial Magistrate No.I, Tambaram, which was dismissed by the trial Court vide impugned order, dated 04.06.2024. 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 counsel appearing for the petitioner submitted that the petitioner would contest the case before the trial Court and this



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Court, without going into the merits of the case, may dispense with the appearance of the petitioner before the trial court and grant liberty to the petitioner to raise all the grounds raised in the present petition 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, 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. Liberty is granted to the petitioner to raise all the grounds raised in the present petition before the trial Court.

5. Accordingly, this Criminal Revision Case is dismissed.



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Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb

To

1. The learned Judicial Magistrate No.I,
Tiruvannamalai.
2. The Public Prosecutor,
Madras High Court.



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M.DHANDAPANI, J.

ssb

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