



Crl.O.P.No.28362 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **03.12.2024**

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28362 of 2022

and

Crl.M.P.No's.17414 and 17415 of 2022

Mayakannan

... Petitioner

Vs.

1. The State, represented by
Inspector of Police,
District Crime Branch,
Krishnagiri,
Krishnagiri District.

2. Saday Arumugam

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C.,
pleaded to call for the records made in Charge Sheet C.C.No.77 of 2016 on the
file of Judicial Magistrate-II, Krishnagiri and Quash the same.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.S.Santhosh,
Government Advocate (Crl.Side)
for R1



Crl.O.P.No.28362 of 2022

ORDER

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This Criminal Original Petition has been filed to call for the records made in charge sheet in C.C.No.77 of 2016, pending on the file of the Judicial Magistrate-II, Krishnagiri and to quash the same.

2. When the matter is taken up today, the learned Government Advocate (Crl.Side) appearing for the respondent police submitted that Trial has commenced and out of the total 12 witnesses, 5 have been examined so far. He would submit that there was no stay in the proceedings and there are also specific allegation against the petitioner.

3. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner had earlier approached this court in Crl.O.P.No.2825 of 2022 seeking for a direction to expedite the Trial and this court by order dated 15.02.2022, had directed the learned Magistrate to complete the Trial in C.C.No.77 of 2016, within a period of six months from the date of receipt of a copy of the order. However, despite the same, the Trial is being proceeded in a slow phase. He would submit that the petitioner is a retired Government servant and a senior citizen. He would prayed that the presence of the petitioner before the Trial Court may be dispensed with.



Crl.O.P.No.28362 of 2022

4. Heard the learned counsel and perused the materials available on
record.

5. Accepting the aforesaid submission, the presence of the petitioner before the Trial Court shall be dispensed with on condition that, he shall present on the date fixed by the trial judge for questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the Trial Court.

6. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the Counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event that his presence is insisted by the Trial Judge for the purpose of identification. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.



Crl.O.P.No.28362 of 2022

7. Accordingly, this Criminal Original Petition is disposed of.

Further, a direction is issued to the learned Judicial Magistrate II, Krishnagiri, to comply with the orders passed in Crl.O.P.No.2825 of 2022 and complete the Trial as expeditiously as possible. Consequently, connected miscellaneous petitions are closed.

03.12.2024

Index :Yes/No
Internet:Yes/No
dsn



Crl.O.P.No.28362 of 2022

To

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1. The Inspector of Police,
District Crime Branch,
Krishnagiri,
Krishnagiri District.
2. The Judicial Magistrate-II,
Krishnagiri.
3. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.28362 of 2022

A.D.JAGADISH CHANDIRA.,J

dsn

Crl.O.P.No.28362 of 2022
and Crl.M.P.No's.17414 and 17415 of 2022

03.12.2024