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Crl.RC.No.74 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.RC.No.74 of 2024

and Crl.M.P.No.571 of 2024

1.S.Usharani
2.Suresh Babu
3.Deepa
4.Kannadasan
5.Vijesh @ Narayanasamy

...Petitioner

Vs.

1. State rep. by the Inspector of Police,
B-3, Variety Hall Road Police Station,
in Crime No.242 of 2020

2. Ramya

(R2 suo moto impleaded as per
order of this Court dated 23.01.2024
made in Crl.Rc.No.74 of 2024)

...Respondent

Criminal Revision case filed under Section 397 of Cr.P.C. to
set aside the order passed by the learned Judicial Magistrate No.V of
Coimbatore and discharge the petitioners/ Accused No.1 to 5 in
C.C.No.1364 of 2021 on the file of the learned Judicial Magistrate No.V
of Coimbatore.

For Petitioner : Mr.G.K.Muthukumar

For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
Ms.Kanimozhi Mathi for R2

ORDER



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This Criminal Revision case has been filed seeking quashment of the order passed in Crl.MP.No. 41353 of 2022 dated 11.09.2023 on the file of the learned Judicial Magistrate No.V, Coimbatore.

2. The petitioner has been implicated for the offence under Sections 147, 454, 427 and 506(ii) of IPC and the same was taken on file in in CC.No.1364 of 2021, in which, the petitioner filed a petition u/s. 239 of Cr.P.C. in Crl.MP.No.41353 of 2022, seeking to discharge him from the charges framed against him, which was dismissed by the trial, vide impugned order dated 11.09.2023. 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.

4. Though such a prayer has been sought for, however, it is to be



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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.

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msv

Index : Yes/No

Speaking order : Yes/No

NCC : Yes/No

To

1. The Inspector of Police,
B-3, Variety Hall Road Police Station.
2. The Judicial Magistrate No.V, Coimbatore.

3. The Public Prosecutor,
Madras High Court.

M.DHANDAPANI, J.



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