



Crl.O.P.(MD)No.913 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD) No.913 of 2022
and
Crl.M.P.(MD).Nos.658 & 659 of 2019

Jeevan Ramesh Kumar

... Petitioner/Accused No.1

Vs.

1.The State through
the Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai District.

2.Yasodhamani

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned proceedings in C.C.No.8 of 2019 on the file of the learned Judicial Magistrate No.I, Madurai and quash the same insofar as the petitioner herein / A1 is concerned.

For petitioner

: Mr.K.Govindarajan

for Mr.V.Balaji

For R-1

: Mr.V.Kottaichamy,
Government Advocate
(Criminal Side)



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Crl.O.P.(MD)No.913 of 2022

For R-2

: Mr.S.Jeyasingh

ORDER

This petition has been filed seeking to quash the proceedings in C.C.No.8 of 2019 on the file of the learned Judicial Magistrate No.I, Madurai, insofar as the petitioner is concerned.

2. The case of the prosecution is that the petitioner along with other accused persons forged two death certificates electronically in order to tarnish the name of the Corporation and the Government and thereby, the petitioner committed offence punishable under Sections 65, 66C, 466, 109, 120B IPC along with Sections 467, 468 and 471 IPC in C.C.No.8 of 2019, on the file of the learned Judicial Magistrate No.I, Madurai.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) would submit that the charges against the petitioner have to be gone into only at the time of trial and hence, he prayed for dismissal of the petition.



WEB COPY

Crl.O.P.(MD)No.913 of 2022



5. In the above circumstances, the trial court has rightly taken the case on file and this Court is of the considered view that no prejudice would be caused to the petitioner, if he is subjected to due trial as sufficient opportunity would be given to the petitioner to put forth his defence. The petitioner cannot be let by quashing the charges framed against him as that would completely undermine the alleged act, which is the subject matter of criminal trial pending against him. Useful reference in this regard can be made to the decision of the Hon'ble Apex Court in ***State of Haryana – Vs - Bhajan Lal (1992 SCC (Crl.) 426)***.

6. For the reasons aforesaid, this Court finds no ground or scope to quash C.C.No.8 of 2019, pending on the file of the learned Judicial Magistrate No.I, Madurai. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

7. At this juncture, the learned counsel appearing for the petitioner would submit that this Court may consider to dispense with the personal appearance of the petitioner before the court below. Taking into consideration the request as made by the learned counsel for the



Crl.O.P.(MD)No.913 of 2022

petitioner, the appearance of the petitioner before the trial court is dispensed with except for his appearance for the purpose of receiving the copy of the proceedings u/s 207 Cr.P.C., framing of charges, 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.

21.02.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate No.I, Madurai.

2.The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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CrI.O.P.(MD)No.913 of 2022

M.DHANDAPANI. J.

TSG

CrI.O.P.(MD)No.913 of 2022

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