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Crl.O.P.(MD)No.9478 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.9478 of 2020

and

Crl.M.P.(MD).Nos.4439 and 4440 of 2020

M.Palanisamy

... Petitioner/Accused No. 3

Vs.

1. State Represented by
The Inspector of Police,
City Crime Branch,
Trichy.

... 1st Respondent/Complainant

2. Akbar Ali VKSA

... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the case in C.C.No.670 of 2023 on the file of the Judicial Magistrate No.1, Trichy and quash the same as against the Petitioner.

(Amended as per Order of the Court dated 19.09.2023 in Crl.M.P(MD).No.13471/2023 in Crl.O.P(MD).No.9478/2020)

For Petitioner : Mr.C.Vakeeswaran

For Respondents : Mr.RMS.Sethuraman,
Additional Public Prosecutor for R1

: Mr.J.Anand Kumar for R2



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ORDER

This petition filed to quash the case in C.C.No.670 of 2023 on the file of the Judicial Magistrate No.1, Trichy, as against the petitioner.

2.The case of the prosecution is that the petitioner and other accused are said to have conspired together and created forged document to grab the property from the defacto complainant/second respondent. Thereafter, the second respondent gave a complaint. Based on which, the first respondent Police registered a case in Crime No.1 of 2017. The first respondent after completion of investigation filed, the final report. The same was taken on file in C.C.No.670 of 2023 by the learned Judicial Magistrate No.I, Trichy. To quash the same, the present petition has been filed.

3.Today, when the matter was taken up for hearing the learned counsel for the petitioner submitted that even though there are some arguable points in this petition, he seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further



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requested this Court to dispense with the appearance of the petitioner before the trial Court during trial. He also submitted that since this case is pending from 2023 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.

4.This Court is inclined to accept the request of the petitioner.

Hence, this petition is disposed of with the following directions:

1. The learned Judicial Magistrate No.1, Trichy, is directed to dispose the case in C.C.No.670 of 2023 within a period of six months from the date of receipt of a copy of this order.
2. The petitioner is directed to raise all the points before the trial Court.
3. The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.

3.1. The petitioner is directed to give an undertaking in the form



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of affidavit that he will be duly represented by a counsel on all hearing dates.

3.2. The petitioner shall not dispute the identity of the witnesses.

3.3. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification.

3.4. If the petitioner adopt 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.***

Consequently, the connected Crl.M.P.(MD).No.4439 of 2020 is closed and Crl.M.P.(MD).No.4440 of 2020 is allowed.

31.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsg



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To

1. The Learned Judicial Magistrate No.1,
Trichy.
2. The Inspector of Police,
City Crime Branch, Trichy.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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