



Crl.R.C.(MD).No.724 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.724 of 2024
and Crl.M.P(MD).No.7548 of 2024

A.Johny Ford

... Petitioner

Vs.

P.Maniraj

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397(i) and r/w 401 of Cr.P.C.,/438 and 422 PNSS, to call for the records in Crl.M.P.No.4503 of 2024 dated 19.07.2024 in C.C.No.44 of 2014 on the file of the Fast Track Court (Magistrate Level), Tuticorin District and Set-aside the same.

For Petitioner : Mr.KA.Ramakrishnan
For Respondent : Mr.S.Ramasamy

ORDER

This Criminal Revision is filed to call for the records in Crl.M.P.No.4503 of 2024 dated 19.07.2024 in C.C.No.44 of 2014 on the file of the Fast Track Court (Magistrate Level), Tuticorin District and set-aside the same.



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2. The petitioner is the accused in Crime No.44 of 2014. Due to his health condition he was unable to appear before the Court below. Therefore, he filed a petition under Section 205 Cr.P.C in Crl.M.P.No.4503 of 2024 before the Fast Track Court (Magistrate Level), Tuticorin District and the same was dismissed on the ground that the petitioner failed to produce the certificate relating to the status of the health condition. Challenging the same, the present petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner is taking continuous treatment for his illness and he is having enough medical records relating to his health condition and he is also ready to produce the same before the concerned Court. Hence, he prays to dispense with the personal appearance before the trial Court.

4. The learned counsel for the respondent submitted that due to non-appearance of the petitioner before the trial Court, C.C is pending from the year 2014 onwards. Hence, the trial Court has rightly dismissed the above petition.

5. Heard both sides and perused the materials available on record.



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6. The petitioner has produced his medical records before this Court and this Court perused the medical records. The plea of the petitioner that he has been suffering from illness is substantiated through medical records produced before this Court. The respondent has also not disputed the same. Hence, in the interest of justice in order to give adequate opportunity to the petitioner to contest the case on merits, this Court inclines to allow this revision by setting aside the order passed in Crl.M.P.No.4503 of 2024 dated 19.07.2024 in C.C.No. 44 of 2014 on the file of the Fast Track Court (Magistrate Level), Tuticorin District. Accordingly, this Criminal Revision Case is allowed with the following directions :

6.1.The order passed in Crl.M.P.No.4503 of 2024, dated 19.07.2024 in C.C.No.44 of 2014 by the Fast Track Court (Magistrate Level), Tuticorin District, is set aside.

6.2.Considering that this is a long pending case, the Fast Track Court (Magistrate Level), Tuticorin District, is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

6.3.The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following hearings:



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- (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.

6.3.1. The petitioner is directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates.

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

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

6.3.4. 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.

Consequently, the connected miscellaneous petition is closed.

31.07.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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1. The Fast Track Court (Magistrate Level),
Tuticorin District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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