



1 *CrI.O.P.(MD) No.15880 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

CrI.O.P.(MD). No.15880 of 2020

and

CrI.M.P.(MD).Nos.7797 and 7799 of 2020

1. S.R.Subramanian

2. N.Murugan

... Petitioners

Vs.

Rep. by Sri.Parsa Praveen,
The Sub Inspector,
Railway Protection Force,
Rameshwaram,
Ramanathapuram District

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 Cr.P.C. praying to call for the private complaint bearing C.C.No.46 of 2020 on the file of the Learned Judicial Magistrate, Rameshwaram, Ramanathapuram District and subsequently quash the same as illegal and devoid of merits forthwith.

For Petitioners : Mr.S.Palani Velayutham



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ORDER

This criminal original Petition has been filed to quash the proceedings in C.C.No.46 of 2020 on the file of the Learned Judicial Magistrate, Rameshwaram, Ramanathapuram District.

2.The case of the prosecution is that on 28.11.2018 at about 3.30 hours, the respondent herein after getting a search warrant from the Competent Court, made a search along with other personnel in a travels namely Janani Travels and found that the petitioners had engaged in selling of rail tickets without getting proper authorization. Thereafter, the respondent arrested the petitioners and registered the case in Crime No. 136 of 2018. Thereafter, the same was taken on file in C.C.No.46 of 2020 by the learned Judicial Magistrate, Rameshwaram, Ramanathapuram. Challenging the same, the present criminal original petition is filed.

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



with the appearance of the petitioners before the trial Court during trial.

He also submitted that since this case is pending from 2020 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 petitioners.

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

1. The learned Judicial Magistrate, Rameshwaram, Ramanathapuram District, is directed to dispose the case in C.C.No.46 of 2020 within a period of six months from the date of receipt of a copy of this order.
2. The petitioners are directed to raise all the points before the trial Court.
3. The appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) during the course of the examination of the remaining witnesses
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.

3.1. The petitioners are directed to give an undertaking in the form



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

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

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

3.4. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 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, Crl.M.P.(MD).No.7799 of 2020 is ordered and Crl.M.P.(MD)No.7797 of 2020 is closed.

13.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1. The Learned Judicial Magistrate,
Rameshwaram, Ramanathapuram District.
2. Sri.Parsa Praveen,
The Sub Inspector,
Railway Protection Force,
Rameshwaram,
Ramanathapuram District.



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6 *Crl.O.P.(MD) No.15880 of 2020*

K.K.RAMAKRISHNAN, J.

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Crl.M.P(MD).Nos.7797 and 7799 of 2020

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