



Crl.O.P.(MD)No.15827 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.09.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.15827 of 2024

and

Crl.M.P(MD)Nos.9987 and 9988 of 2024

1.Ananth

2.Joseph

: Petitioners /A1 & A2

Vs.

1.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
Crime No.242 of 2020.

2.Selvan

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS., to call for the records pertaining to the case registered in the impugned charge sheet as against the petitioners in C.C.No.204 of 2022 on the file of the Judicial Magistrate Court, Valliyoor in connection with Crime No.242 of 2020 on the file of the first respondent police and quash the same in so far as the petitioners concern.

For Petitioners : Mr.B.Arun

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side) for R1.



Crl.O.P.(MD)No.15827 of 2024

ORDER

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The Criminal Original Petition has been filed, invoking Section 482 of Cr.P.C., seeking orders, to call for the records pertaining to the impugned proceedings in C.C.No.204 of 2022, on the file of the Judicial Magistrate Court, Valliyoor and quash the same.

2. The learned Government Advocate (Criminal Side) appearing for the State would submit that specific allegations were levelled against the petitioners and on the basis of the complaint given by the second respondent, FIR came to be registered in Crime No.242 of 2020 for the offences under Sections 294(b), 323 and 506(i) IPC and after completing the investigation, the first respondent has laid the final report and the same was taken on file in C.C.No.204 of 2022 on the file of the Judicial Magistrate Court, Valliyoor.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioners would submit that they are restricting their prayer that the personal appearance before the trial Court may be dispensed with and that they are not pressing main relief of quashing the charge sheet.



Crl.O.P.(MD)No.15827 of 2024

WEB COPY

4.Considering the facts and circumstances of the case and also taking note of the restricting the prayer now sought for by the petitioners, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on the hearings, specifically directed by the trial court. The petitioners are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for her 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*.



Crl.O.P.(MD)No.15827 of 2024

WEB COPY

5. In view of the above, the Criminal Original Petition is dismissed.

Consequently, Crl.M.P(MD)No.9988 of 2024 is ordered and
Crl.M.P(MD)No.9987 of 2024 Miscellaneous Petition is closed.

25.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das

To

- 1.The Judicial Magistrate Court,
Valliyoor.
- 2.The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.15827 of 2024

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.15827 of 2024
and
Crl.M.P(MD)Nos.9987 and 9988 of 2024

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