



Crl.O.P.(MD)No.16728 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16728 of 2024

and

Crl.M.P.(MD)Nos.10503 & 10505 of 2024

Raguveera Ganapathi

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Ramanathapuram.
(Crime No.6 of 2024)

2.Santhosam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to call for the records in C.C.No.316 of 2024 on the file of the Judicial Magistrate No.II, Ramanathapuram, pending disposal of the above criminal original petition before this Court and quash the same.

For Petitioner : Mrs.S.Prabha

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



CrI.O.P.(MD)No.16728 of 2024

ORDER

WEB COPY

This criminal original petition has been filed seeking orders to quash the charge sheet in C.C.No.316 of 2024 on the file of the Judicial Magistrate No.II, Ramanathapuram.

2.It is evident from the records that on the basis of the complaint given by the second respondent, FIR came to be registered in Cr.No.6 of 2024 and after completion of investigation, final report came to be filed against the petitioner and other accused and the case was taken on file in C.C.No.316 of 2024 for the offences punishable under Sections 409, 465, 471, 120B & 468 IPC, which is pending on the file of the learned Judicial Magistrate-II, Ramanathapuram.

3.When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that the petitioner is restricting his prayer only with regard to the dispensing with his personal appearance before the trial Court.

4.Recording the above submission, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he shall appear at the time of initial questioning,



CrI.O.P.(MD)No.16728 of 2024

WEB COPY

proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all the hearings, specifically directed by the trial court.

The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. 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*.

5. With the above directions, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

15.10.2024

gns

K.MURALI SHANKAR,J.



WEB COPY



Crl.O.P.(MD)No.16728 of 2024

gns

To

- 1.The Judicial Magistrate No.II,
Ramanathapuram.
- 2.The Inspector of Police,
District Crime Branch,
Ramanathapuram.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD)No.16728 of 2024

15.10.2024