



Crl.O.P.(MD).No.22127 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD) No.22127 of 2024

and

Crl.M.P(MD)No.13712 & 13713 of 2024

Kulanthai

..Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Cr No.760/2023.

2. Kulanthai

..Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS.,
to call for the records and quash the same in CC No.230/2024 dated
27.09.2023 on the file of the District Munsif Cum Judicial Magistrate,
Orathanadu.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.K.Sanjai Gandhi (R1)

Government Advocate



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ORDER

This Criminal Original Petition has been filed against the impugned charge sheet in CC No.230/2024 dated 27.09.2023 on the file of the District Munsif Cum Judicial Magistrate, Orathanadu.

2.The case of the prosecution is that the defacto complainant and the petitioner were doing real estate business. On account of the money dispute, a compromise talk was held on 28.08.2023 at about 4.30 p.m., and the petitioner has not agreed to pay any amount and he attacked the defacto complainant.

3.Today (16.12.2024), when the matter was taken up for hearing, after the elaborate submission, the learned counsel for the petitioner seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further requested that considering the age of the petitioner, this Court may dispense with the appearance of the petitioner before the trial Court during trial.



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4. Considering the submission made by the petitioner, this Court is inclined to accept the request of the petitioner. Hence, this Criminal Original Petition is disposed of with the following directions:

4.1. The petitioner is hereby permitted to raise all the points before the trial Court during the trial.

4.2. 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.

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

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

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

4.2.4. 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



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accordance with the judgment of the Hon'ble Supreme Court of India in
State of Uttar Pradesh Vs. Shambunath Singh, reported in 2001 (4)
SCC 667.

Accordingly, the connected miscellaneous petitions are closed.

16.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
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1. The learned District Munsif Cum Judicial Magistrate,
Orathanadu.
2. The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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