



1 *Crl.O.P.(MD) No.1505 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD). No.1505 of 2025

and

Crl.M.P(MD). Nos.1025 and 1026 of 2020

Neethidurai

... Petitioner/A1

Vs.

1.The State of Tamil Nadu rep., by
The Inspector of Police,
Papanadu Police Station,
Thanjavur District.
Crime No.807 of 2021

2.Kowshik

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS
praying to call for the records pertaining to the proceedings in S.C.No.
305 of 2024 on the file of the learned III Additional District and Sessions
Court, Pattukottai, Thanjavur District and quash the same in so far as the
petitioner is concerned.



For Petitioners : Mr.K.M.Karunakaran
For R1 : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

This petition has been filed to quash the proceedings in S.C.No. 305 of 2024 on the file of the learned III Additional District and Sessions Court, Pattukottai, Thanjavur District.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused persons attacked the defaco complainant and thereby, he sustained grievous injuries and admitted in the hospital. Hence, the case. Based on the same, the first respondent Police registered a case in Crime No.807 of 2021 for the offence under Sections 147, 148, 341, 323, 324, 307 and 365 of IPC. Thereafter, the first respondent filed a final report and the same was taken on file in S.C.No.305 of 2024 by the learned III Additional District and Sessions Court, Pattukottai, Thanjavur District. Challenging the same, the present criminal original petition has been filed.



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3.Today, when the matter was taken up for hearing, 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 this Court to dispense with the appearance of the petitioner before the trial Court during trial.

4.This Court is inclined to accept the request of the learned counsel for the petitioner. Accordingly, this Criminal Original Petition is disposed of. The petitioner is at liberty to raise all the points before the trial Court and the trial Court is directed to consider the same independently. The personal 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.



5. In addition,

5.1 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.

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

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

5.4. 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, connected miscellaneous petitions are closed.

27.01.2025

NCC : Yes / No
Index : Yes / No
Rmk



WEB COPY To

- 1.The III Additional District and Sessions Court,
Pattukottai, Thanjavur District
- 2.The Inspector of Police,
Papanadu Police Station,
Thanjavur District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

Rmk

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