



1 *Crl.O.P.(MD) No.1317 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.1317 of 2025

and

Crl.M.P(MD). Nos.891 and 892 of 2025

V.Maiyappan

... Petitioner/A6

Vs.

1.The State of Tamil Nadu rep., by
The Inspector of Police,
Tirumangalam Taluk,
Madurai District.
Crime No.52 of 2021

2.Frances Amanda Murphy

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C.,
praying to call for the records in C.C.No.288 of 2023 in Crime No.52 of
2021 on the file of the learned Judicial Magistrate, Thirumangalam and
quash the same as illegal.

For Petitioners : Mr.R.Srinivasan



For R1

: Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

This petition has been filed to quash the proceedings in C.C.No. 288 of 2023 pending on the file of the learned Judicial Magistrate, Thirumangalam .

2.The case of the prosecution is that the defacto complainant established several companies and institutions in the name of 'Teddy'. Since the defacto complainant need to go abroad, one Gavaskar was appointed as General Manager to her companies. Later, the defacto complainant came to know that the said Kavaskar cheated and misappropriated the money to the tune of several crores, for which, the other accused also abetted. Hence, the case. Based on the same, the first respondent Police registered a case in Crime No.52 of 2021 for the offence under Sections 120B, 201, 403, 406, 408, 420, 465, 468, 471 and 506(1) of IPC and Section 65 of Income Tax Act, 2000. Thereafter, the first respondent filed a final report and the same was taken on file in C.C.No.288 of 2023 by the learned Judicial Magistrate, Thirumangalam. The charges against the petitioner is Sections 120(b) and 420 of IPC.



Challenging the same, the present criminal original petition has been filed.

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.



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4 *Crl.O.P.(MD) No.1317 of 2025*

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



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To

- 1.The Judicial Magistrate, Thirumangalam.
- 2.The Inspector of Police,
Tirumangalam Taluk,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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6 *Crl.O.P.(MD) No.1317 of 2025*

K.K.RAMAKRISHNAN, J.

Rmk

Crl.O.P(MD). No.1317 of 2025

27.01.2025