

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.25437 of 2015
and
M.P.Nos.1 & 2 of 2015

1.Mohan
2.Chinna Pappa
3.Suseela
4.Rani
5.Padma
6.Nagalakshmi

Petitioners

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Vs

1. State by
The Inspector of Police,
Perur All Women Police Station,
Perur, Coimbatore District.

2. Rajeswari

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records in C.C.No.19 of 2013 on the file of
the learned JM Additional Mahila Court, Coimbatore and quash the same
as illegal.

For Petitioners : Mr.A.Gokulakrishnan

For Respondent : Mr.C.Emalias,
No.1 Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the
records in C.C.No.19 of 2013 on the file of the learned JM Additional
Mahila Court, Coimbatore and quash the same as illegal.

2. Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor for the first respondent.

3. On a complaint lodged by Rajeswari, the respondent police
registered a case in Crime No.10 of 2009 and after completing the
investigation, they filed a final report before the learned Judicial
Magistrate No.VI, Coimbatore in the year 2009 for an offence under

Section 498-A IPC against these accused, challenging which, the accused are before this Court.

4. On a reading of the final report, it is seen that Mohan (A1) and Rajeswari (defacto-complainant) were in love and they got married about 15 years prior to 2009. It is stated in the final report that the couple also have two children. Their matrimonial life ran into rough weather on account of some differences and that, the parties got estranged. The case, which was pending before the learned Judicial Magistrate No.VI, Coimbatore, was transferred to Additional Mahila Court (Judicial Magistrate Level), Coimbatore and it has been now re-numbered as C.C.No.19 of 2013.

5. Mr.A.Gokulakrishnan, learned counsel appearing for the petitioners fairly submitted that the prosecution had examined three witnesses, the neighbours of the defacto-complainant and they have turned hostile to the prosecution case.

6. The learned counsel for the petitioner further submitted that Chinna Pappa (A2) is aged about 86 years and she is bedridden and that, she is being taken care of Suseela (A3) and therefore, the presence of A2 & A3 may be dispensed with before the trial Court.

7. Accepting the submission made by the learned counsel for the petitioners, the petitioners 2 and 3 (A2 and A3) are directed to appear before the trial Court for answering questions under Section 313 Cr.P.C and on the date of judgment. On the other dates, if the petitioners 2 & 3 (A2 & A3) file an application under Section 317 Cr.P.C undertaking not to dispute their identity, their presence before the trial Court may be dispensed with liberally.

8. It is the contention that the defacto-complainant is not living in the address given in the final report and the respondent police have not able to trace her on that score. The trial is pending since 2009. Since the trial has commenced, this Court is of the view that it will serve the interest of justice, if a direction is given to the trial Court to complete the trial within a period of three months from the date of receipt of a copy of this order. Coercive steps may be initiated to secure the presence of the defacto-complainant.

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In the result, this criminal original petition is closed with a direction to the learned Judicial Magistrate (Additional Mahila Court), Coimbatore, to complete the trial in C.C.No.19 of 2013 within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

sms

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police,
Perur All Women Police Station,
Perur, Coimbatore District.
 2. The learned Judicial Magistrate
Additional Mahila Court,
Coimbatore.
 3. The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr.A.Gokulakrishnan, Advocate SR 55848

vsn(co)
prk14/10

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