



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2016

WEB COPY

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Cr1.O.P. (MD) No.15150 of 2016

1.Gopalan
2.Veerasingham
3.Munikamala

.. Petitioners

Vs.

1.The State rep.by
Inspector of Police,
Sattur Town Police Station,
Sattur,
Virudhunagar District,
Crime No.577/2014.

2.Ramalakshmi

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the C.C.No. 37 of 2015 on the file of the learned Judicial Magistrate No.II, Sattur and quash the proceedings as against the petitioners.

For Petitioners
For R - 1

: Mr.S.Rajaprabu
: Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to quash the proceedings in C.C.No.37 of 2015 pending on the file of the Judicial Magistrate No.II, Sattur.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Cr1. Side) for the respondents.

3.A case has been registered against the petitioners/A2 to A4 in Crime No.577 of 2014 for the offences punishable under Sections 353, 355 @ 353, 355 r/w 109 IPC @ 228, 353, 355 and 336 IPC. After completion of investigation, the case has been taken on file in C.C.No.37 of 2015 by the Judicial Magistrate, No.II,



3.It is brought to the notice of the Court that PWs.1 to 4 have already been examined on 19.09.2015 and summons have been served on LWs.6 to 10 for examination on 02.09.2015.

4.The learned counsel appearing for the petitioners would submit that there are totally 24 witnesses and therefore, examination of the witnesses may take some more time and during which time, official duty of the petitioners 1 and 2 did not permit them to appear before the trial Court. It is also submitted that the third petitioner is a woman.

5.Under such circumstances, even though the petition is filed for quashment of the proceedings in C.C.No.37 of 2015, the learned counsel restricted his prayer in dispensing with the appearance of the petitioners before the trial Court.

6.In view of the submission made by the learned counsel for the petitioners, the trial Court is directed to be liberal in dispensing with the personal appearance of the petitioners 1 to 3 and their presence may be insisted only on occasions, wherever, it is indispensable.

7.With this observation, this Criminal Original Petition is disposed of. Connected CrI M.P(MD)No.7097 of 2016 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.II, Sattur

2.The Inspector of Police,
Sattur Town Police Station,
Sattur,
Virudhunagar District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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