



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) .No.8037 of 2017

and

Cr1.M.P. (MD) Nos.5467 and 5468 of 2017

1.Vinod Jeba Asir
2.Suja
3.Gabriel
4.Prabha
5.Rani

: Petitioners

-Vs-

1.State Rep. by,
Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
Crime No.3 of 2010.

2.Nancy Reena

: Respondents

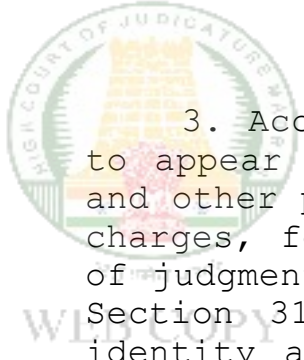
PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in respect of C.C.No.78 of 2011 pending on the file of Judicial Magistrate No.II, Nagercoil, Kanyakumari District and quash the same.

For Petitioners : M/s.N.Juliet Latha
For Respondent No.1: Mr.K.Anbarasan,
Government Advocate (Crl.side)

O R D E R

M/s.M.Malathi, Woman Head Constable, All Women Police Station, Nagercoil, Kanyakumari District, is present in Court today. On instructions, the learned Government Advocate (Criminal side) submitted that the trial in C.C.No.78 of 2011 has commenced and two witnesses have been examined. Recording the same, this Criminal Original Petition is closed with liberty to the petitioners to raise all the points before the Trial Court.

2. However, the learned counsel for the petitioners submitted that Gabriel (A-3) is 78 years old and his presence before the Trial Court could be dispensed with.



3. Accepting the submission, this Court directs Gabriel (A-3) to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if he files an application under Section 317 Cr.P.C., undertaking that he will not dispute his identity and that his counsel will cross-examine the prosecution witnesses on the day they are examined in chief in his absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If he adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence.

Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Nagercoil, Kanyakumari District.
2. The Inspector of Police,
All Women Police Station,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.JULIET LATHA, Advocate, SR No. 62623.

SML

PSM/JC/SAR1/07.07.2017/2P/5C

Order made in
CRL.O.P. (MD) .No.8037 of 2017
Dated: 29.06.2017