



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2017

WEB COPY

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.12795 of 2011

and

M.P.(MD)No.1 of 2011 and Crl.M.P.(MD)No.9400 of 2017

1.Mahi @ Mahin

2.Rahuman

3.Abbas

4.Fathimal Beevi

... Petitioners

Vs.

1.State Rep. By

The Inspector of Police,
Aalwarkuruchi Police Station,
Tirunelveli District.
(Crime No.209 of 2011)

2.Valliammal

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No.88 of 2010, pending on the file of the Judicial Magistrate Court, Ambasamudram and quash the same as illegal.

For Petitioners : Mr.P.M.Vishnuvarthanan

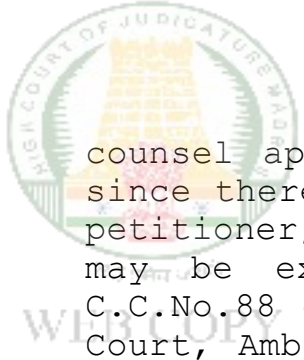
For R1 : Mr.K.Anbarasan
Government Advocate (Criminal side)

For R2 : Mr.A.Thiruvadikumar

O R D E R

This Criminal Original Petition has been filed to quash C.C.No.88 of 2010, pending on the file of the Judicial Magistrate Court, Ambasamudram.

2.After elaborate arguments and perusing the entire records filed in support of the Criminal Original Petition, the learned counsel for the petitioners, the learned Government Advocate (Criminal side) appearing for the first respondent and the learned



counsel appearing for the second respondent fairly conceded that since there is no specific overt act attributed against the fourth petitioner, viz., Fathimal Beevi, who is aged about 73 years, she may be exonerated from the charges levelled against her in C.C.No.88 of 2010, pending on the file of the Judicial Magistrate Court, Ambasamudram. They further submitted that a direction may be issued to the trial Court to complete the trial within a time limit that may be prescribed by this Court and also to permit them to raise all the grounds raised in this petition before the trial Court.

3. Heard both sides.

4. While exonerating the fourth petitioner from the charges, I am not expressing any opinion in respect of the petitioners 1 to 3. Therefore, the trial Court may independently deal with the case without being influenced by any of the observation made by this Court.

5. In the light of the abovesaid submission of the learned counsel on either side, this Court without going into the merits of the case, exonerates the fourth petitioner herein alone from the charges levelled against her in C.C.No.88 of 2010 pending on the file of the Judicial Magistrate Court, Ambasamudram and directs the learned Judicial Magistrate, Ambasamudram, to complete the trial in C.C.No.88 of 2010, within a period of six months from the date of receipt of a copy of this order.

With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Ambasamudram.
2. The Inspector of Police,
Aalwarkuruchi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.THIRUVADIKUMAR, Advocate, SR.87388

+1cc to Mr.P.M.Vishnuvarthanan, Advocate, SR. 87697

Crl.O.P. (MD) No.12795 of 2011

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