



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.14412 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

1. Rajendran
2. Ramasamy
3. Subramanian
4. Kannan
5. Somaiyya
6. Rethinam

... Petitioners/Accused 1 to 6

Vs

1. The State represented by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

... Respondent/Complainant

2. Duraisamy

... 2nd Respondent/Defacto complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to quash the case in C.C.No.69 of 2010 on the file of the learned Judicial Magistrate, Aranthangi.

For Petitioners : Mr.R.Diwakaran

For R1 : Mr.A.Robinson

Government Advocate (Crl.side)

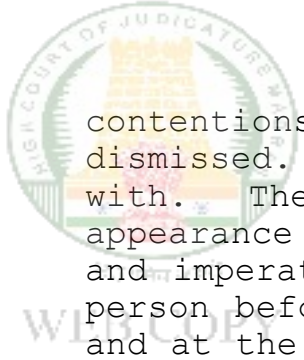
For R2 : Mr.T.Lenin Kumar

ORDER

The petitioners are facing trial in C.C.No.69 of 2010 on the file of the Judicial Magistrate, Aranthangi. This criminal original petition has been filed to quash the same principally on the ground that even though the prosecution was initiated as early as in the year 2010, steps were not taken for serving summons on the petitioners herein. On this ground, the proceedings that are impugned in this petition cannot be quashed.

2. The learned Government Advocate (Crl.side) states that non bailable warrant was issued against the petitioners herein except A4-Kannan.

3. Considering the facts and circumstances of the case, I permit the petitioners herein to appear before the trial Magistrate on the next hearing date and apply for recall of warrant. On such application being filed, the same shall be recalled. The petitioners will not be remanded to custody. Therefore, leaving open the



contentions and defences, this criminal original petition stands dismissed. The personal appearance of the petitioners is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel. It is made clear that this Court has not gone into the merits of the matter. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Aranthangi.

2.The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.

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

+1 CC to M/s.D. GEETHA, Advocate (SR-99809[F] dated 20/11/2019)

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-100423[F]dated 22/11/2019)

Cr1.O.P(MD)No.14412 of 2015
and
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VB(03.06.2020) 2P 6C