



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD).No.5880 of 2018 and
CrI.M.P(MD).Nos. 2808 and 2809 of 2018

1.Paiyanraja
2.Paiyan Kamaraj
3.Jayaraj @ Paiyan Sivaraj
4.Ponraj @ Paiyan Ponraj

.... Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.

2. Vaikundaraja

... Respondents

Prayer: This petition is filed under Section 482 Cr.P.C to call for the records in C.C.No.192 of 2017 on the file of Judicial Magistrate No.III, Nagercoil and quash the same.

For Petitioners : Mr.M.P. Senthil
For respondents : Mr. Prabu Ramachandran
Government Advocate (CrI. Side)

O R D E R

The petitioners have filed this petition seeking quash of C.C.No.192 of 2017 on the file of Judicial Magistrate No.III, Nagercoil.

2. The offences with which the petitioners have been charged are under Sections 294(b), 323 and 506(i) IPC. It is seen that there are some averments against the petitioners in the statements recorded under Section 161 Cr.P.C.. Therefore, it is not possible for this Court to quash the proceedings as such. However, this Court is of the view that the following relief can be given to the petitioners:

(a) The petitioners shall be asked to appear under Section 313 Cr.P.C and at the time of pronouncement of Judgment.



(b) Except these three occasions, on all other occasions, the personal appearance of the petitioners shall not be insisted upon by the Trial Court. However, the petitioners must be represented through their counsel.

(c) The petitioners are entitled to raise all their contentions, including the contentions raised in this Criminal Original Petition at the time of trial.

3. With the above observations, this Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III, Nagercoil.
 2. The Inspector of Police,
South Thamaraikulam Police Station,
Kanyakumari District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 cc TO Mr.M.P.Senthil , Advocate in SR No. 61489

trp

AE/KKR/SAR2/14.05.2018/2P/5C

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