



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1 OP(MD)No.20479 of 2016
and
Cr1 MP(MD)No.10420 of 2016

1.Pathmavathi

2.Ravi @ Veluchamy

3.Sasi @ Kumarasamy

4.Karthikeyan

... Petitioners

Vs

1.The state represented by
the Inspector of Police,
Pudur Police Station,
Thoothukudi District.
[Crime No.11 of 2010]

2.K.Subburam

...Respondents

PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the case in CC No. 7 of 2013 on the file of the Judicial Magistrate , Vilathikulam and quash the same.

For Petitioner	: Mr.S.Ramasamy
For Respondent No.1	: Mr.M.Chandrasekaran, Additional Public Prosecutor.
For Respondent No.2	:Mr.A.Sivaji

ORDER

This petition has been filed seeking to quash the proceedings in CC No.7 of 2013 pending on the file of the Judicial Magistrate, Vilathikulam.

2.The respondent Police have filed a final report against the petitioners for the offence under Section 420, 468 and 471 of IPC r/w 109 of IPC. The case involves forgery of the signature of one K.Subburam and also the forgery of thumb impression of one Narammal, for which the respondent also have got an expert opinion and Investigating Officer has also recorded the statement of the expert.



3. On the facts and circumstances of the case, this Court is not in a position to interfere with the proceedings pending before the Court below and the petitioners will have to substantiate the defence only before the Court below in the course of the trial.

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4. At this stage, the learned Counsel for the petitioners submitted that the presence of the first petitioner may be dispensed with pending disposal of the trial, since the first petitioner is aged more than 74 years.

5. Accepting the submissions made by the learned Counsel for the petitioners, the presence of the first petitioner is dispensed with pending disposal of CC No.7 of 2013. The first petitioner shall be represented by a Counsel and she shall cross examine the witnesses on the same day they are examined in chief. The first petitioner shall appear before the Court at the time of framing of charges, questioning under Section 313 of CrPC and at the time of judgment.

6. Taking into consideration, the fact that the CC is of the year 2013, the Court below shall complete the proceedings within a period of four months from the date of receipt of copy of this order.

7. The Criminal Original Petition is disposed of with the above direction. Consequently, CrI MP(MD) No.10420 of 2016 is closed.

Sd/-

Assistant Registrar (RECORDS)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate,
Vilathikulam

2. The Inspector of Police,
Pudur Police Station,
Thoothukudi District.

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

- 1 CC TO Mr.S.Ramasamy , ADVOCATE IN SR No.88129.
- DSK
- DS SKN SAR 3 09 11 2018 2P 5C

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