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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.[MD].No.17948 of 2018

and

Cr1.M.P. (MD) .Nos.7962 and 7963 of 2018

1.Ravikannan

2.Renukadevi @ Kalaivani

3.Amaravathi @ Malar

... Petitioners/Accused No.1 to 3

Vs.

1. The Sub-Inspector of Police,
Rayappanpatti Police Station,
Theni District.

(Crime No.448 of 2017)

... 1st Respondent/Complainant

2. Subbuthai

... 2nd Respondent/De-facto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records of charge sheet in C.C.No.45 of 2018, on the file of the learned Judicial Magistrate Court, Uthamapalayam and quash the same.

For Petitioners : Mr.A.Haja Mohideen

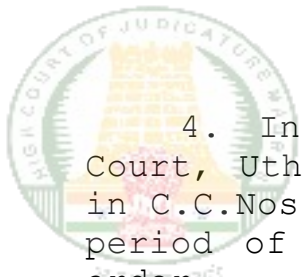
For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate[Cr1. side]

ORDER

The Criminal Original Petition has been filed seeking to quash the proceedings in C.C.No.45 of 2018, on the file of the learned Judicial Magistrate Court, Uthamapalayam.

2. The learned Government Advocate (Criminal side) would submit that there is a counter case that was registered by the respondent police in Crime No.449 of 2017, based on the complaint given by the petitioners against the de-facto complainant. Investigation was conducted by the respondent police and a final report has already been filed and the same has been taken on file in C.C.No.29 of 2018, by the learned Judicial Magistrate Court, Uthamapalayam.

3. The learned counsel for the petitioners would submit that the second and third petitioners are ladies. Therefore, the presence of the 2nd and 3rd petitioners may be dispensed with.



4. In view of the above, the learned Judicial Magistrate Court, Uthamapalayam, is directed to conduct a simultaneous trial in C.C.Nos.45 and 29 of 2018 and complete the proceedings within a period of six months from the date of receipt of copy of this order.

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5. The presence of the 2nd and 3rd petitioners are dispensed with and they shall be represented by a counsel. The 2nd and 3rd petitioners shall be present before the Court below at the time of questioning under Section 313 of Cr.P.C and at the time of passing the judgment. The counsel representing the 2nd and 3rd petitioners will cross examine the prosecution witnesses on the day they are examined in chief. The 2nd and 3rd petitioners shall not dispute the identity of the witnesses.

6. Accordingly, this Criminal Original Petition is disposed of with the above directions. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Judicial Magistrate, Uthamapalayam.
2. The Sub-Inspector of Police,
Rayappanpatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.Haja Mohideen, Advocate Sr.No.93620

SJI

VB/PM/SAR4/03.12.2018/2P/5C

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and**

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