



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2018

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P. (MD) No.10419 of 2018

and

Crl.M.P. (MD) Nos.4655 and 4656 of 2018

1.M.Suresh

2.M.Ganesh

... Petitioners

-vs-

1. The Sub-Inspector of Police,
Sayerpuram Police Station,
Thoothukudi District.
(Crime No.215/2014)

2. Pon Sekar

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.26 of 2015 on the file of the Judicial Magistrate No.I, Thoothukudi, quash the same.

For Petitioner : Mr.C.T.Perumal

For R1 : Mr.Prabhu Ramachandran,
Government Advocate.

ORDER

This Criminal Original Petition has been filed praying this Court to call for the records in C.C.No.26 of 2015 on the file of the Judicial Magistrate No.I, Thoothukudi, quash the same.

2.The learned counsel appearing for the petitioner would submit that there is no prima-facie case made out against the petitioners and there is no specific overtact attributed against the petitioners and therefore, the impugned charge sheet filed by the respondent is liable to be quashed.

3.The learned Government Advocate (Crl.side) would submit that totally there are 11 witnesses. Out of 11 witnesses, 9 witnesses were already examined and posted for examination of the remaining two witnesses. At this stage, this Court cannot entertain the petition and the same is liable to be rejected.

4.The learned counsel for the petitioner requested this Court to grant a direction to dispense with the personal appearance of the petitioner before the trial Court.



5. In view of the above submission, this Criminal Original Petition is dismissed with a direction to the learned Judicial Magistrate No.I, Thoothukudi to dispose of the case in C.C.No.26 of 2015, as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. The Personal appearance of the petitioners before the Judicial Magistrate No.I, Thoothukudi in C.C.No.26 of 2015 is dispensed with. However, the petitioners shall appear before the Court below, as and when, the Court insist upon their appearance. Consequently, connected miscellaneous petition are also closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Thoothukudi.
2. The Sub-Inspector of Police,
Sayerpuram Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.T.Perumal, Advocate Sr.No.70473

AM

VB/RSK/SAR2/17.07.2018/2P/5C

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