



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.(MD).No.19969 of 2018
CrI.M.P.(MD)Nos.9171 and 9172 of 2018

- 1.Christopher
- 2.Christal Thayamani
- 3.Velvet Rani
- 4.Jeyakumar
- 5.Christal Sugi
- 6.Babu Joshfred
- 7.Isac

... Petitioners/Accused Nos.1 to 5,7&8

Vs.

1. State rep.by its
The Inspector of Police,
All Women Police Station,
Kuzhithurai, Kanyakumari District.
(in crime No.14 of 2011) ... 1st Respondent/Complainant

2. Vijayapiraba ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records relating to the impugned charge sheet and the proceedings pending in C.C.No.54 of 2012 on the file of the learned Judicial Magistrate, Padmanabhapuram and quash the same as against these petitioners.

For Petitioners	: Mr.N.Vijayarajan
For R1	: Mr.R.Anandhraj
	Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to quash the proceedings in C.C.No.54 of 2012 on the file of the learned Judicial Magistrate as against the petitioners herein.

2.The learned counsel appearing for the petitioners would submit that in this case trial has been commenced.

3.It is seen from the records that no valid ground has been raised by the learned counsel for the petitioners to quash the criminal proceedings against them. The grounds raised in the petition have to be gone into in a full fledged trial. Moreover, as submitted by the learned counsel for the respondents, in this case, trial has commenced. Therefore, this Court is of the view that this criminal original petition is liable to be dismissed.



4. Accordingly, this criminal original petition is dismissed. However, considering the year of the case, the learned Judicial Magistrate, Padmanabhapuram is directed to dispose of the case, within a period of six months from the date of receipt of a copy of this order. The petitioners are at liberty to raise all the grounds before the trial Court.

5. At this juncture, the learned Counsel for the petitioners submitted that the presence of the petitioners before the Trial Court may be dispensed with.

6. Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present for receiving charge sheet, for initial questioning and for answering the charges, at the time of questioning under Section 313 Cr.P.C. and passing of judgment.

7. The petitioners are further directed to give an undertaking in the form of affidavit that the Counsel representing them will cross examine the prosecution witnesses on the day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. The petitioner shall appear before the trial Court in the event if their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, **in State of Uttar Pradesh Vs. Shambunath Singh**, reported in **JT 2001(4) SC 319**. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate, Padmanabhapuram.
2. The Inspector of Police,
All Women Police Station,
Kuzhithurai, Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

TA

TE/SV/SAR-3 : 28/11/2018 : 2P/4C

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08.11.2018