



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P. (MD)No.20603 of 2013 and

M.P. (MD)No.1 of 2013

1. C.A.Selvam Morish

2. Morish

... Petitioners/Respondents

Vs.

1. Radhakrishnan,
The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

2. S.Nisanth

... Respondents/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to quash the S.T.C.No.233 of 2013 on the file of the learned Judicial Magistrate No.II, Nagercoil.

For Petitioners : Mr.H.Velavadhas

For R-1 : Mr.A.Robinson,
Government Advocate(Crl. Side).

For R-2 : Mr.V.Rajiv Rufus

ORDER

The petitioners have filed this Criminal Original petition for quashing the proceedings in S.T.C.No.233 of 2013 on the file of the learned Judicial Magistrate No.II, Nagercoil.

2.This Court is of the view that the contentions raised in this Criminal Original petition are rather factual in nature and that therefore they are better adjudicated by the Court below. This is not the case in which inherent powers of this Court are to be exercised. Hence, the Criminal Original petition is dismissed.

3. It is needless to mention that all the contentions raised by the petitioners are left open. It is open to the petitioners to establish their innocence in the regular trial.

4. The learned counsel appearing for the petitioners submitted that the petitioners can be given a relief of dispensing with their personal appearance.



5. I find force in the said request.

6. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel.

7. The learned counsel appearing for the second respondent/complainant pointed out that the occurrence is of the year 2011 and that the complaint itself is of the year 2013. He therefore wanted this Court to give a positive direction for speedy disposal of the case. This request is justified and reasonable.

8. The learned Judicial Magistrate No.II, Nagercoil, is directed to conclude the proceedings in S.T.C.No.233 of 2013 within a period of six months from the date of receipt of a copy of this order. The learned trial Magistrate shall also send compliance report to the Registry. Consequently, connected Miscellaneous petition is closed.

Sd/

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Nagercoil.

2. The Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.

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

+1cc to Mr.V.RAJIV RUFUS, Advocate, SR.No. 69688

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