



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P. (MD) No.3473 of 2019

and

CRL.M.P. (MD) Nos.1974 and 1975 of 2019

WEB COPY

1.Rex Thamaraiselvan

2.Joy Ebenezer Mary

3.A.Antony Kumar

4.Helen Rose

5.Layola Christy ... Petitioners / Accused 1 and 3 to 6
Vs.

1.The State represented by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.86 of 2015)

... 1st Respondent / Complainant

2.Gokilam ... 2nd Respondent / Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to C.C.No.12 of 2016 pending on the file of the learned Judicial Magistrate No.II, Kumbakonam and quash the proceedings as against the petitioners herein.

For Petitioners : Mr.P.Saravanakumar,
for Ms.P.Kalaiyarasi Bharathi
For R1 : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side).

ORDER

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.12 of 2016 pending on the file of the learned Judicial Magistrate No.II, Kumbakonam.

2.Though the learned counsel for the petitioners raised several grounds for quashing the calender case on the file of the learned Judicial Magistrate No.II, Kumbakonam, he submitted that it would suffice, if a direction is issued to the trial Court to complete the trial within a time limit that may be stipulated by this Court and also to permit the petitioners to raise all the grounds raised in this petition before the trial Court. He further submitted that their personal appearance may be dispensed with.

3.In the light of the abovesaid submission made by the



learned counsel, this Court without going into the merits of the case, directs the learned Judicial Magistrate No.II, Kumbakonam, to complete the trial in C.C.No.12 of 2016, within a period of six months from the date of receipt of a copy of this order. The personal appearance of the petitioners before the trial Court is dispensed with on condition that they shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of Cr.P.C., and at the time of passing judgment. However, the petitioners are directed to give an undertaking in the form of affidavit that the counsel representing their will cross examine the prosecution witnesses on the day they are examined in chief. The petitioners shall not dispute the identity of the witnesses.

4.With the above direction, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Judicial Magistrate No.II,
Kumbakonam.

2.The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.

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

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-55241[F] dated 20/03/2019)

MYR

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KM/ (08.04.2019) 2P 5C