



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P. (MD) No.3856 of 2019

and

CRL.M.P. (MD) Nos.2265 and 2266 of 2019

1.T.Sabari Subramanian @ Sabari  
2.S.Esakkipandiyan @ Easkki ... Petitioners  
Vs.  
1.The State represented by  
The Inspector of Police,  
Nesamani Nagar Police Station,  
Kanyakumari District. ... 1<sup>st</sup> Respondent/Complainant  
2.M.Moses Mani ... 2<sup>nd</sup> Respondent/De-facto  
Complainant

**PRAYER:** Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the impugned charge sheet in C.C.No.83 of 2016 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, and quash the same insofar as the petitioners concerned.

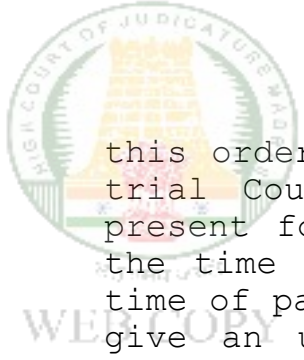
For Petitioners : Mr.V.M.Jegadeesha Pandian  
For R1 : Mr.A.P.G.Ohm Chairma Prabhu,  
Government Advocate (Crl.Side).

**ORDER**

This Criminal Original Petition has been filed to quash the impugned charge sheet in C.C.No.83 of 2016 on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.

2.Though the learned counsel for the petitioner raised several grounds for quashing the calender case on the file of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, 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 petitioner 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, Nagercoil, Kanyakumari District to complete the trial in C.C.No.83 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 (Writs)

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The Judicial Magistrate No. II,  
Nagercoil, Kanyakumari District.
2. The Inspector of Police,  
Nesamani Nagar Police Station,  
Kanyakumari District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1CC TO MR.V.M.JEGADEESHA PANDIAN, Advocate Sr. No. 54856

**CRL.O.P. (MD) No. 3856 of 2019**  
**18.03.2019**

TR (03.04.2019) 2P 5C