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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.(MD)No.5720 of 2019
and
CRL.M.P.(MD)Nos.3598 and 3599 of 2019

1.Selvakumari
2.Mathanbabu ... Petitioners / Accused Nos.1 & 2

Vs.

1.State Represented by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.237 of 2014) ... 1st Respondent / Complainant

2.Thangaraj Pillai ... 2nd Respondent / Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.18 of 2019 on the file of the Judicial Magistrate Court, Vadipatti, Madurai District.

For Petitioners : Mr.K.Sivabalan
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.18 of 2019 pending on the file of the learned Judicial Magistrate, Vadipatti, Madurai District.

2.Though the learned counsel for the petitioners raised several grounds for quashing the calender case on the file of the learned Judicial Magistrate, Vadipatti, Madurai 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 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, Vadipatti, Madurai District, to complete the trial in C.C.No.18 of 2019, 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

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receiving charge sheet, for answering the charges, at the time of questioning under Section 313 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 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.

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

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To
1.The Judicial Magistrate,
Vadipatti, Madurai District.

2.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

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

+1cc to Mr.K.Sivabalan, Advocate, SR.No. 62278

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