

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.3216 of 2016
and
Crl.MP (MD) No.1634 of 2016

1 SAHAYARAJ
2 JESURATHINAM
3 FEBI
4 SASI
5 SALIMA
6 MARIAVICTOR
7 JOSHI

... PETITIONERS/RESPONDENTS 1 and 3 to 8

Vs

MARY FANCY KALA ... RESPONDENT/PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to call for the records relating to proceedings in Crl.M.P. No.6392 of 2015 on the file of Learned Judicial Magistrate No.III, Nagercoil and quash the same.

Prayer in CRL MP (MD) . 1634/ 2016 :

To dispense with the personal appearance of the petitioners in Crl.M.P. No.6392 of 2015 on the file of Learned Judicial Magistrate No.III, Nagercoil pending disposal of the Crl.O.P.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.P.NARAYANA KUMAR, Advocate for the petitioners and of Mr.T.SELVAKUMAR, Advocate for the respondent, the court made the following order:-

This Criminal Original Petition has been filed to call for the records relating to proceedings in Crl.M.P.No.6392 of 2015 on the file of the learned Judicial Magistrate No.III, Nagercoil and quash the same.

2.This Court, by order dated 24.02.2016, has dispensed with the personal appearance of the petitioners 2 to 7 on condition that the first petitioner deposits a sum of Rs.10,000/- (Rupees five thousand for each child) as ad-interim maintenance before the learned Judicial Magistrate No.III, Nagercoil, on or before 5th of every English Calender month to the credit of CrI.M.P.No.6382 of 2015 without prejudice to the defence.

3.Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that he is not in a position to contact his client so as to ascertain whether the amount has been deposited as directed by this Hon'ble Court in order dated 24.02.2016. According to the learned counsel for the respondent/complainant, the petitioners have not deposited any amount as directed by this Hon'ble Court.

4.However, the learned counsel for the petitioner sought time to ascertain the present position with regard to the payment of maintenance as directed by this Court.

5.Post the matter on 25.03.2019.

sd/-
15/03/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

सत्यमेव जयते

ORDER
IN

CRL OP(MD) No.3216 of 2016 &
CrI.MP(MD)No.1634 of 2016
Date :15/03/2019

MS/JC/SAR-3/21.03.2019/2P.3C