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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P(MD) No.10849 of 2019

and

Crl.M.P.(MD)No.6815 of 2019

V.Nandakumar ... Petitioner/2nd Witness

Vs.

1.Abrahan Mathew ...1st Respondent/Complainant
2.Suseela George
3.Jibu Mathew ...2nd and 3rd Respondents / Accused

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the learned Judicial Magistrate No.II, Padmanabhapuram, to exonerate the petitioner, who is citing as second witness in S.T.C.No.70 of 2018 on the file of learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District.

For Petitioner : Mr.S.Sukumar
For R1 : Mr.N.Ananthapadmanaban
for M/s.APN Law Associates

O R D E R

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.II, Padmanabhapuram, to exonerate the petitioner, who is citing as second witness in S.T.C.No.70 of 2018 on the file of learned Judicial Magistrate No.II, Padmanabhapuram, Kanyakumari District.

2.The learned counsel for the petitioner would submit that the petitioner is an practising Advocate, on the instruction, on behalf of the second respondent, he passed a legal notice to the first respondent. Now, the first respondent lodged a private complaint for the offence under Section 200 Cr.P.C. r/w Sections 499 and 500 I.P.C. and also seeking compensation as against the respondents 2 and 3 herein. While filing the complaint, the first respondent cited the petitioner as one of the witnesses to the complaint. Now the first respondent has no objection from exonerating the petitioner from the witnesses as cited in the complaint.

3.Considering the facts and circumstances, the name of the petitioner has been **exonerated** from the list of witnesses as mentioned in the complaint lodged by the first respondent in S.T.C.No.70 of 2018, on the file of the learned Judicial Magistrate

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No.II, Padmanabhapuram. This Criminal Original Petition is allowed accordingly. However, the first respondent is at liberty to mark legal notice sent by the petitioner on behalf of the second respondent before the trial Court during the trial. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To:

1.The Judicial Magistrate No.II,
Padmanabhapuram,
Kanyakumari District.

2.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.ANANTHAPADMANABAN, Advocate (SR-96529[F] dated 06/11/2019)

+1 CC to M/s.S.SUKUMAR, Advocate (SR-97161[F] dated 08/11/2019)

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KK/SAR/02.12.2019/2P-5C/

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