



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

CrI.O.P (MD)No.13912 of 2014

1.Ramesh @ Saminathan

2.Kaleeswari

3.Rajammal

4.Kokila

... Petitioners

Vs

1.The State of Tamil Nadu rep.
by its Sub Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai.

2.Paulraj

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to proceedings in C.C.No.39 of 2014 on the file of the District Munsif cum Judicial Magistrate, Thiruvadanai and quash the same.

For Petitioners : Mr.Ravi
for Mr.A.Muralikumar

For R1 : Mr.A.Robinson
Government Advocate (CrI.side)

For R2 : Mr.S.K.Patturaja

ORDER

The petitioners are facing trial in C.C.No.39 of 2014 on the file of the Judicial Magistrate, Thiruvadanai. The second and third petitioners are said to have caught hold of the victim. The fourth petitioner is also said to have caused a scratch injury on the victim.

2.I am of the view that since overt acts have been attributed to each of the petitioners, this Court will not be justified in quashing the impugned proceedings. It is for the petitioners to establish their innocence before the Court below in a regular trial.



Hence, this criminal original petition stands dismissed. The personal appearance of the petitioners 1 to 4 is dispensed with. The Court below will insist on the personal appearance of the petitioners only on three occasions namely, at the time of answering the charge, at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners need not appear before the Court below. However, on those occasions, the petitioners will have to be represented by their counsel. If the petitioners' counsel is also absent, the benefit of dispensing the personal appearance of the petitioners will stand automatically vacated.

It is made clear that this Court has not pronounced anything on the merits of the matter. All the contentions and defences of the petitioners are left open.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

rmi

To

1.The Sub Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai.

2.The District Munsif cum Judicial Magistrate,
Thiruvadanai.

+1 CC to M/s.A.MURALIKUMAR, Advocate (SR-87893[F] dated
19/09/2019)

Crl.O.P (MD) No.13912 of 2014
19.09.2019

JM/11.10.2019/2P/4C