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Crl OP(MD)No.17015 of 2014 :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl OP(MD)Nos.17015 & 21961 of 2014

and

MP(MD)Nos.1,1 & 2,2 of 2014

Crl OP(MD)No.17015 of 2014 :

1.V.Vijayadhas

2.Manoharan

... Petitioners / Accused 1 & 2

Vs.

V.Mohandhas

... Respondent / Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.85 of 2014 on the file of the Judicial Magistrate Court, Padmanabhapuram and quash the same.

Crl OP(MD)No.21961 of 2014 :

Mohan dhas

... Petitioner/ Sole Accused

Vs.

1.State, rep.by the Inspector of Police,

Thiruvattar Police Station,

Kanyakumari District. ... 1st Respondent / Complainant

2.Vijaya dhas

... Respondent/Defacto complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records in C.C No.404 of 2012 on the file of the Judicial Magistrate Court, Padmanabhapuram and quash the same.

in Crl OP(MD)No.17015 of 2015 :

For Petitioners

: Mr.S.C.Herold Singh

<https://hcservices.ecourts.gov.in/hcservices/>



For Respondent

: Mr.N.S.Ramakrishna Dass

in Crl OP(MD)No.17015 of 2015 :

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For Petitioner

: Mr.N.S.Ramakrishna Dass

For Respondents

: Mr.A.Robinson,
Government Advocate (crl.side) for R1
Mr.S.C.Herold Singh for R1

COMMON ORDER

The petitioners in Crl OP(MD)No.17015 of 2014 are accused in C.C No.85 of 2014 while the respondent herein namely Mohandhas is an accused in C.C No.404 of 2012 on the file of the Judicial Magistrate Court, Padmanabhapuram. While the case given by the Vijayadhas has been charge sheeted by the police and taken on file, the one given by Mohandhas was closed as Mistake of Fact and that led to the filing of a private complaint in C.C No.85 of 2014.

2.Since this is a case and counter, the trial court has to follow the relevant procedure by conducting a joint trial and pronouncing judgments successively ie., one after another. The learned counsel appearing for the petitioners in Crl OP(MD)No.17015 of 2014 raised very many contentions. But, I am of the view that the same will have to be appreciated only by the trial court. Taking note of the fact that the incident is seven years old, I direct the learned Judicial Magistrate, Padmanabhapuram to conclude the trial in both the cases on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

3.The personal appearance of Vidhayadass and Manoharan is dispensed with. The court below shall not insist on their personal appearance unless it is absolutely necessary or imperative. They shall of course be present to answer the charges and at the time of examination under Section 313 of Cr.PC and at the time of pronouncing judgment. Except these three occasions, on all other hearing dates they can be represented through their counsel. It is made clear that this Court has not gone into the merits of the matter. All the contentions available to the parties in both the petitions are left open. The personal appearance of Thiru.Mohandhas is not dispensed with.

4.Accordingly, these criminal original petitions stand



dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD II)

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Sub Assistant Registrar(CS)

Skm

To

- 1.The Judicial Magistrate, Padmanabhapuram.
- 2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-86975[F] dated 17/09/2019)

+1 CC to M/s.N.S.RAMAKRISHNA DASS, Advocate (SR-87385[F] dated 18/09/2019)

**Crl OP(MD)Nos.17015 &
21961 of 2014**

SKM

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