



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Cr1.O.P(MD) . No.14728 of 2015

WEB COPY

1.Natarajan

2.Karmegam

... Petitioners/Accused 1 and 2

Vs

1.State,

Rep. by the Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

... Respondent/complainant

2.Thiruvettai

... Respondent/Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to S.T.C.No.890 of 2015, on the file of the learned Judicial Magistrate No.II, Virudhunagar and quash the same as against the petitioners.

For Petitioners

: Mr.S.Mahendrapathy

For Respondents

: Mr.A.Robinson

Government Advocate (Cr1. side)
(for R-1)

No Appearance (for R-2)

ORDER

The petitioners herein are facing trial in S.T.C.No.890 of 2015, on the file of the learned Judicial Magistrate No.II, Virudhunagar. The second respondent is the de-facto complainant. To quash the same, this Criminal Original Petition has been filed.

2.The first petitioner is aged about 78 years. I am of the view that without going into the merits of the matter, the trial itself expedited. Therefore, the learned Judicial Magistrate No.II, Virudhunagar is directed to conclude the case on merits and in accordance with law within a period of three months from the date of the receipt of a copy of this order.

3.The personal appearance of the petitioners before the Court below shall stand dispensed with. The Trial Judge shall not insist on the personal appearance of the petitioners unless it is absolutely necessary or imperative. The petitioners 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 other hearing dates the petitioners can be represented through counsel. If the petitioners' counsel is also not present before the court below, the benefit of dispensing the personal appearance of the petitioners will stand automatically vacated. All the contentions and defences of the petitioners are left open.

4. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

sjj

To

1. Judicial Magistrate No.II, Virudhunagar.

2. The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.

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

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VB(11.12.2019) 2P 4C