



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17733 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

WEB COPY

1.Annadurai

2.Sivakumar Chettiar

3.Balu @ Balasubramanian

4.Perumal

5.Packiaraj

... Petitioners

Vs

Periyathambi

... Respondent

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the complaint in C.C.No.140 of 2015 on the file of the Judicial Magistrate No.I, Kulithalai and quash the same as illegal.

For Petitioners : Mr.T.Vadivelan

For Respondent : Mr.G.Kandha Vadivelan
for Mr.RM.Sivakumar

ORDER

The petitioners are facing trial in C.C.No.140 of 2015 on the file of the Judicial Magistrate No.1, Kulithalai. It is a private complaint instituted by the respondent herein for the offences under Sections 147, 148, 294(b), 341, 324, 323, 506(ii) of IPC r/w 34 of IPC.

2.The learned counsel appearing for the petitioners took me through the materials on records. He also reiterated the contentions set out in the memorandum of grounds.

3.It is seen that these are aspects that will have to be canvassed only before the Court below. They are not sufficient for invoking my inherent powers. Therefore, leaving open the petitioner's defences and contentions, this criminal original petition stands dismissed.



4.However, taking note of the facts and circumstances of the case, the personal appearance of the petitioners is dispensed with. The Court below will insist on the personal appearance of the petitioners only on three occasions namely, to answer the charge, to examination under Section 313 of Cr.P.C., and at the time of pronouncing 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 petitioner's 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

To

The Judicial Magistrate No.I, Kulithalai

+1 CC to Mr.RM.SIVAKUMAR, Advocate (SR-104230[F] dated 10/12/2019)

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KM/ (24.02.2020) 2P 3C