



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.O.P (MD) No.18738 of 2015

and

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

1. Robinson

2. R.R. Arul

3. R.R. Arun

... Petitioners/Accused No.1 to 3

Vs

T. Pushpa Latha

... Respondent/Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to C.C.No.160 of 2015 on the file of the learned Judicial Magistrate, Boothapandi and quash the same.

For Petitioners : Mr.K.P.Narayanakumar

For Respondent : No appearance

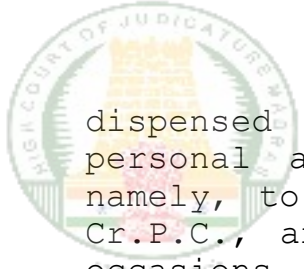
ORDER

The petitioners are facing trial in C.C.No.160 of 2015 on the file of the Judicial Magistrate, Boothapandi. It is a private complaint instituted by the respondent herein.

2.The learned counsel appearing for the petitioners took me through the contentions set out in the memorandum of grounds.

3.His contention is that the complainant as well as petitioner are residing under the same roof and that, therefore, the question of committing trespass does not at all arise. He also pointed out that the complaint given by the respondent was closed as "Mistake of Fact". No doubt, the contentions of the petitioner's counsel are sound and attractive. But then, there are essentially factual in nature and that, therefore, they will have to be appreciated by the Court below for giving an acquittal in favour of the petitioners herein. It is only on this ground, I decline to interfere in the criminal original petition. Hence, this criminal original petition stands dismissed. It is made clear that this Court has not at all gone into the merits of the matter.

4.Taking into account the facts and circumstances of the case, the personal appearance of the petitioners herein is also



dispensed with. However, 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 his counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioners will stand automatically vacated. All the contentions of the petitioners are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Judicial Magistrate, Boothapandi,
Kanyakumari District.

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-104520[F] dated
11/12/2019)

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VB(20.02.2020) 2P 3C