



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.6367 of 2015 and

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

T.Shenbagavalli

... Petitioner/Sole Accused/
Accused No.2

Vs.

1. The Inspector of Police,
Kottar police station,
Nagercoil,
Kanyakumari District.
(Crime No.1298 of 2010)

... Respondent/Complainant/
Complainant

2. Vetrivel

... Respondent/
Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records of S.C.No.184 of 2014 on the file of the learned Chief Judicial Magistrate, Nagercoil, Kanyakumari District and quash the same.

For Petitioner	: M/s.L.George Paul Anto
For R-1	: Mr.A.Robinson, Government Advocate(Crl. Side)

* * *

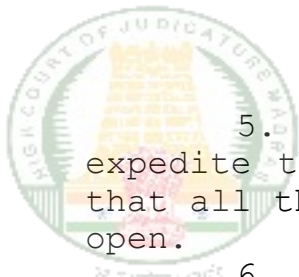
O R D E R

The petitioner herein is a practising lawyer. She is shown as accused No.2 in S.C.No.184 of 2014 on the file of the Chief Judicial Magistrate, Nagercoil. She wants the same to be quashed.

2. The learned counsel appearing for the petitioner reiterated the contentions set out in the memorandum of grounds.

3. I am however satisfied that they are not sufficient to invoke the inherent powers of this Court. The petitioner will have to establish her defence only before the Court below in a regular trial.

4. The learned Government Advocate(Crl.Side) submitted that all the cases pertaining to the lawyers have been transferred from Kanyakumari. Therefore, the case on hand appears to have been transferred to Chief Judicial Magistrate, Tirunelveli. But then, the new number assigned to the case is not yet known.



5. Be that as it may, the transferree Court is directed to expedite the trial against the petitioner herein. It is made clear that all the contentions and the defences of the petitioner are left open.

6. The personal appearance of the petitioner before the Court below is dispensed with.

7. The learned trial Magistrate shall insist on the personal appearance of the petitioner only when it is absolutely necessary and imperative. The petitioner shall be called upon to appear in person before the trial Court at the time of answering the charges and 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 petitioner can be represented through her counsel. If she is unable to appear, her counsel will represent her and file a petition under Section 317 of Cr.P.C.

8. With these directions, the criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Chief Judicial Magistrate,
Nagercoil, Kanyakumari District.

2. The Inspector of Police,
Kottar police station,
Nagercoil,
Kanyakumari District.

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

+1 CC to Mr.M.P.SENTHIL, Advocate (SR-98178[F] dated 14/11/2019)

+1 CC to Mr.L.GEORGE PAUL ANTO, Advocate (SR-98328[F] dated 14/11/2019)

Crl.O.P.(MD)No.6367 of 2015
13.11.2019