



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.8541 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015

1.Diwan Basha

2.Sheik Sulaiman ... Petitioners/Accused 2 & 3

Vs

1.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District. ... 1st Respondent/Investigating Officer

2.Parveen Banu ... 2nd Respondent/Informant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the charge sheet in S.T.C.No.167 of 2015 pending on the file of the learned Judicial Magistrate, Sivakasi and to quash the same insofar as the petitioners are concerned.

For Petitioners : Mr.V.A.Dhana Arvindha Balaji
for M/s.Dhana Law Associates

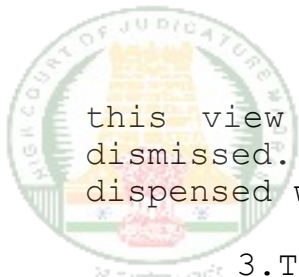
For R1 : Mr.A.Robinson
Government Advo-cate (Crl.side)

For R2 : No appearance

ORDER

The petitioners are facing trial in S.T.C.No.167 of 2015 on the file of the Judicial Magistrate, Sivakasi for the offence under Section 453 of IPC. They are shown as A2 and A3. To quash the same, this criminal original petition has been filed.

2. It is not as if the petitioners are not implicated in the statements recorded under Section 161 of Cr.P.C. Therefore, I am of the view that the petitioners will have to necessarily establish their innocence only before the Court below in a regular trial. In



this view of the matter, this criminal original petition stands dismissed. However, the personal appearance of the petitioners is dispensed with.

3.The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners 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 petitioners 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 and defences are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Sivakasi.

2.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.

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

+1 CC to M/s.DHANAN LAW ASSOCIATES, (SR-91095[F] dated 03/10/2019)

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JMN(16.12.2019) 2P : 5C