



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.8599 of 2015

and

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

1.A.Prabakaran

2.Amalalorpavar Santhanam

... Petitioners

Vs

1.The State represented by
The Deputy Superintendant of Police,
Valliyoor,
Tirunelveli District.

2.S.Packianathan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to P.R.C.No.3 of 2010 on the file of the learned Judicial Magistrate, Valliyoor, Tirunelveli District and quash the same.

For Petitioners : Mr.S.Palanivelayutham

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : No appearance

ORDER

The petitioners are shown as A1 and A2 in P.R.C.No.3 of 2010 on the file of the Judicial Magistrate, Valliyoor. To quash the same, this criminal original petition has been filed.

2. I am of the view that the contentions raised in the memorandum of grounds in the criminal original petition will have to be established only before the Court below in a regular trial. Therefore, 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 (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

rmi

To

1.The Deputy Superintendant of Police, Valliyoor,
Tirunelveli District.

2. The Judicial Magistrate, Valliyoor, Tirunelveli District.

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-91589[F] dated
09/10/2019)

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JMN(13.12.2019) 2P : 5C