



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P. (MD)No.9875 of 2015 and

M.P. (MD)No.1 of 2015

1. Murugesan
2. Lily Mary Kalavathi
3. Sundaram

... Petitioners/
Accused Nos.1 to 3

Vs.

1. The State rep. by,
The Sub-Inspector of Police,
Perungudi Police Station,
Madurai, Madurai District.
(Crime No.240 of 2012)

... Respondent/Complainant

2. Veeranan

... Respondent/1st Informant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the proceeding in C.C.No.114 of 2013 pending on the file of the learned Judicial Magistrate No.VI, Madurai, Madurai District and quash the same.

For Petitioners : Mr.M.Pitchai Muthu

For R-1 : Mr.A.Robinson,
Government Advocate(Crl.Side).

For R-2 : No appearance.

ORDER

The petitioners are facing trial in C.C.No.114 of 2013 on the file of the Judicial Magistrate No.VI, Madurai, for the offences under Sections 294(b), 452, 427 and 506(ii) of I.P.C.

2. I am of the view that the petitioners will have to necessarily establish their innocence only in a regular trial before the Court below. No case has been made out for invoking the inherent powers of this Court.



3. In this view of the matter, the Criminal Original petition stands dismissed. However, the personal appearance of the petitioners before the Court below is dispensed with.

4. 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.

5. The learned trial Magistrate is directed to dispose of C.C.No.114 of 2013 within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate No.VI,
Madurai, Madurai District.
2. The Sub-Inspector of Police,
Perungudi Police Station,
Madurai, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL.O.P.(MD)No.9875 of 2015 and
M.P.(MD)Nos.1 & 2 of 2015
03.10.2019

pmu

SDS (13.12.2019) 2P 4C