



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Original Jurisdiction)

Monday, the Ninth day of March Two Thousand and Twenty

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL MP(MD). Nos.1421, 1423, 1424, 14626, 1427 and 1429 of 2020
in
CRL OP(MD).Nos.3698 to 3703 of 2011

Lakshmi Subramanian, C/o. India Today (Tamil),
No.98A, Radhakrishnan Salai, Mylapore, Chennai-600 004.

...Petitioner/Petitioner/Accused No.7 in CRL MP(MD).
No.1421 of 2020 in CRL OP(MD).No.3698 of 2011

Adi Valliappan, Member, Editorial Board,
C/o. India Today (Tamil), No.98A, Radhakrishnan Salai, Mylapore,
Chennai-600 004. ...Petitioner/Petitioner/Accused No.2 in CRL
MP(MD).No.1423 of 2020 in CRL OP(MD).No.3699 of 2011

1. Malcolm T.Misthri, Publisher India Today (Tamil),
On Behalf of Living Media India Ltd,
Thomas Press India Ltd, No. A9, Industrial Complex,
Maraimalai Nagar, Kanchipuram - 603 209

2. Malcom T.Misthri, Printer, India Today (Tamil)
On Behalf of Living Media India Ltd,
Thomas Press India Ltd, No. A9, Industrial Complex,
Maraimalai Nagar, Kanchipuram - 603 209

...Petitioner/Petitioner/Accused No.5 and 6 in CRL MP
(MD).No.1424 of 2020 in CRL OP(MD).No.3700 of 2011

S.Duraiarasu, Member, Editorial Board,
C/o India Today (Tamil), No. 98A, Radhakrishnan Salai,
Mylapore, Chennai-600 004

...Petitioner/Petitioner/Accused No.3 in CRL MP(MD).No.1426
of 2020 in CRL OP(MD).No.3701 of 2011

V.Sivanandan, Member, Editorial Board,
C/o. India Today(Tamil), No.98-A, Radhakrishnan Salai, Mylapore,
Chennai - 4

...Petitioner/Petitioner/Accused No.1 in CRL MP(MD).No.1427
of 2020 in CRL OP(MD).No.3702 of 2011



P.Ramajeyam, Member, Editorial Board, C/o. India Today(Tamil),
No.98-A, Radhakrishnan Salai, Mylapore, Chennai - 4

...Petitioner/Petitioner/Accused No.4 in CRL MP(MD).No.1429
of 2020 in CRL OP(MD).No.3703 of 2011

WEB COPY

Vs

Sun Pictures, A Division of Sun T.V. Network Ltd.,
Thorough its Authorized Signatory V. Thambi Durai,
No.4, Norton Road, Mandaveli, Chennai - 28.

...Respondent/Respondent/Complainant in all cases

**Common Prayer in CRL MP(MD). Nos.1421, 1423, 1424, 14626, 1427
and 1429 of 2020:-**

Criminal Miscellaneous Petitions are filed under section 482 of
Criminal Procedure Code, praying this Hon'ble to set aside the order
dated 16.12.2016 dismissing the above criminal original petitions for
non prosecution, restore the petitions.

Common Prayer in CRL OP(MD).Nos.3698 to 3703 of 2011 :

Criminal Original Petitions are filed under section 482 of
Criminal Procedure Code, praying this Hon'ble to call for the
records in C.C No. 543/2010 on the file of the Judicial Magistrate
No. 1, Tirunelveli and quash the same.

ORDER:-

Criminal Miscellaneous Petitions are coming on for hearing on
this day and upon perusing the petition and the affidavit filed in
support thereof and upon hearing the arguments of M/s.Divya
Udayakumar, Advocate for the Petitioner in all the cases, this Court
made the following order:

For non appearance of the petitioners, this court on
16.12.2016, dismissed the petitions filed for quash.

2.These Miscellaneous Petitions are filed to condone the delay
and restore the Criminal Original Petitions on file to be decided on
merits. The complaint of defamation was filed on 02.11.2010,
alleging that an Article titled viz., "Adu Puli Attam" about the
recently released movie "Enthiran", contained the defamatory
statement. This complaint was taken on file by the learned Judicial
Magistrate No.I, Tirunelveli, in C.C.No.543 of 2010 and summons were
issued to the Correspondent, Editor and others. Challenging the
same, the accused persons have approached this Court and filed
Crl.O.P.(MD).Nos.3698 to 3703 of 2020. When the matter came up for
final disposal after five years on 16.12.2016, recording the non
appearance of the petitioners, the same was dismissed for non
prosecution. Now, through these Criminal Miscellaneous Petitions,
the accused persons want to restore these petitions with delay of



3. The learned counsel, who have filed these applications today, reports that he has given concern for change of the counsel and a new counsel Mr.Divya Udhayakumar, seeks time to file a change of vakalat. However, from the notes sheet, I find that this Court on 24.02.2020, has permitted the petitioners' counsel herein to take private notice to the respondent returnable by 09.03.2020 and the said cover has been returned as "Unserved" with an endorsement "Vacated the premises". The Court notice is also returned as "Unserved" for the very same reason.

4. The Court below is directed to file a status report in the given circumstances. There were no interim orders in these petitions. Under such circumstances, this Court to ascertain the current status of the case in C.C.No.543 of 2010, pending, directs the learned Judicial Magistrate No.I, Tirunelveli, to sent the status report to this Court by 16.03.2020.

5. Registry is directed to post these matters on 16.03.2020.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Judicial Magistrate No. 1, Tirunelveli
- 2 The Chief Judicial Magistrate, Tirunelveli

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.
(To List the cases on 16/03/2020)

**CRL MP(MD) . Nos.1421, 1423, 1424, 14626, 1427
and 1429 of 2020 in
CRL OP(MD) .Nos.3698 to 3703 of 2011**

SDS (12.03.2020) 3P-4C