



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.11850 of 2020

and

Crl.M.P (MD)Nos.5455 and 5456 of 2020

WEB COPY

1.R.Radhakrishnan

2.J.Manoje @ Antony Joseph

... Petitioners/Accused No 5&6

Vs.

1.The State of Tamil Nadu rep by

The Inspector of Police,
Thuvakudi Police Station,
Trichy District.

Crime No.396 of 2015.

... Respondent/Complainant

2.C.Mutharasu

... Respondent/Defacto
Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned Charge Sheet in P.R.C.No.10 of 2018 on the file of the learned Judicial Magistrate Court No.VI, Trichy in Crime No.396 of 2015 on the file of the first respondent, dated 08.11.2015 offences under Sections 4 (1) (aa), 4(1-A) Tamil Nadu Prohibition Act and Sections 486, 487, 488 and 420 of I.P.C., and quash the same as illegal in respect of this petitioners/Accused Nos.5 and 6.

For Petitioners : Mr.I.Pinaygash

For R1 : Mrs.S.E.Veronica Vincent,
Government Advocate (Criminal Side)

O R D E R

Heard the learned counsel on either side.

2.The petitioners want this Court to quash the impugned proceedings.

3.But then, as rightly pointed out by the learned Government Advocate (Crl. Side) that the petitioners have already moved a quash petition by filing Crl.O.P.(MD)No.6425 of 2019 and that the same was dismissed as withdrawn on 10.06.2019. Therefore, I am not in a position to consider this second petition for quashing the impugned proceedings.



4.The criminal original petition is dismissed. Since the committal proceedings are pending for more than two years, the learned Judicial Magistrate No.VI, Trichy is directed to expedite the committal proceedings. I make it clear that the petitioners' defences are left open. However, considering the facts and circumstances of the case, the personal appearance of the petitioners before the Sessions Court after committal is dispensed with. This is because the first petitioner is based in Puducherry while the second petitioner is based in Kerala. The petitioners have to appear on those occasions when their presence is necessary and imperative. On all other occasions, the petitioners can be represented by their counsel. If the petitioners' counsel fails to appear, the benefit of this order will be automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Judicial Magistrate Court No.VI,
Trichy.
- 2.Do-Thro-The Chief Judicial Magistrate,Trichy.
- 3.The Inspector of Police,
Thuvakudi Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

Crl.O.P. (MD)No.11850 of 2020
and

Crl.M.P(MD)Nos.5455 and 5456 of 2020
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