



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.02.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD) No.17491 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015

1. P.Manikantan
2. S.Murugan ... Petitioners/Accused Nos.7 & 8

Vs.

1. State rep. by,
The Inspector of Police,
Rajakkamangalam police station,
Kanyakumari District.
(Crime No.458 of 2012) ... 1st Respondent/Complainant

2. Rani ... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records of the case in C.C.No.87 of 2014 on the file of the Judicial Magistrate No.I, Nagercoil and quash the same as illegal.

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

O R D E R

The petitioners are figuring as accused in C.C.No.87 of 2014 on the file of the Judicial Magistrate No.I, Nagercoil, for the offences under Sections 147, 448, 294(b), 365, 506(ii) r/w. 149, 148 and 342 of I.P.C.

2. The learned counsel appearing for the petitioners reiterated all the contentions set out in the memorandum of grounds.

3. The learned Government Advocate(Crl.Side) pointed out that the petitioners' names are specifically referred to in the various statements recorded under Section 161 of Cr.P.C. There may be some contradictions among the statements. But then, it is not the function of this Court while exercising the jurisdiction under Section 482 of Cr.P.C. to appreciate the said discrepancies and



contradictions and enter into the merits of the case. That is the function of the trial Court.

4. I am of the view that no case has been made out for invoking the powers of this Court under Section 482 of Cr.P.C. This criminal original petition stands dismissed.

5. It is made clear that this Court has not gone into the merits of the matter. The petitioners are based in Pondicherry. The case is pending before the Judicial Magistrate, Nagercoil. Therefore, the personal appearance of the petitioners before the Court below is dispensed with.

6. 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. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1. The Judicial Magistrate No.I,
Nagercoil.
2. The Inspector of Police,
Rajakkamangalam police station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.KISHORE, Advocate (SR-4652[F] dated 04/02/2020)

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pmu

SDS (18.02.2020) 2P-5C

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