



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No. 9096 of 2018 and

CRL.M.P.(MD)No.3949 of 2018

WEB COPY

1. K.Devaraj

2. Annamuthu

... Petitioners/Accused Nos.1 & 2

Vs.

1. State rep. by,

The Inspector of Police,

Parthibanur police station,

Paramakudi, Ramanathapuram District.

(Crime No.52 of 2016) ... 1st Respondent/Complainant

2. Innasi

... 2nd Respondent/

Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the charge sheet in S.T.C.No.1290 of 2017 on the file of the Judicial Magistrate, Paramakudi, Ramanathapuram District and quash the same as illegal in respect of the petitioners.

For Petitioner

: Mr.D.Senthil

For R-1

: Mr.A.Robinson,

Government Advocate(Crl. Side).

For R-2

: No appearance.

* * *

O R D E R

The petitioners are facing trial in S.T.C.No.1290 of 2017 on the file of the Judicial Magistrate, Paramakudi, Ramanathapuram District, for the offences under Sections 294(b), 323 and 506(ii) of I.P.C.

2. The second respondent is the defacto complainant. The learned counsel appearing for the complainant reiterated all the contentions set out in the memorandum of grounds.

3. I am afraid that the consideration of those contentions would clearly involve an adjudication of factual aspects. That is not the function of this Court while exercising jurisdiction under Section 482 of Cr.P.C.

4. Therefore, leaving open all the defences and the



contentions of the petitioners, the criminal original petition stands dismissed. It is made clear that this Court has not gone into the merits of the matter. The personal appearance of the petitioners before the Court below stands dispensed with.

5. 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 petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

To:

1. The Judicial Magistrate,
Paramakudi, Ramanathapuram District.
2. The Inspector of Police,
Parthibanur police station,
Paramakudi, Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.SENTHIL, Advocate (SR-9725[F] dated 03/03/2020)

Crl.O.P. (MD)No.9096 of 2018
02.03.2020

KK/17.03.2020/ 2P- 5C