



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P (MD) No.1247 of 2016

and

Crl.M.P. (MD) Nos.620 and 621 of 2016

1.Durairaj

2.Andal

... Petitioners/Accused 1 & 2

Vs

1.The State represented by,
The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
(Crime No.471 of 2013).

...1st Respondent/Complainant

2.Porul Selvi

...2nd Respondent/Defacto
Complainant

3.The Regional Passport Officer,
Regional Passport Office,
Bharathi Ula Veedhi,
Race Course Road,
Madurai.

...3rd Respondents

(R3 impleaded as per order of this
Court made in Crl.M.P. (MD) No.8351/17
in Crl.O.P. (MD) No.12471/16, dated 5.10.2017)

PRAYER: Petition filed under Section 482 Code of Criminal Procedure,
to call for the entire records pertaining to the case in C.C.No.169
of 2015 on the file of the learned Judicial Magistrate,
Ambasamudram, Tirunelveli District and quash the same.

For Petitioner : Mr.P.Saravanan

For R1 : Mr.A.Robinson
Government Advocate (Crl.side)

For R2 : Mr.J.Lawrance

For R3 : Mr.Jeyakumaran

ORDER

The learned counsel appearing for the petitioners seeks leave
to withdraw this petition with liberty to raise all his defence in
the trial and he has also made an endorsement to that effect.
Liberty is granted.



2. In view of the above, this criminal original petition is dismissed as withdrawn. The second petitioner is a woman. She is said to be working. Therefore, her personal appearance before the Court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the second petitioner only when it is absolutely necessary and imperative. The second petitioner 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 second petitioner can be represented through their counsel. It is made clear that this Court has not gone into the merits of the matter. All the contentions and defences are left open. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate, Ambasamudram.

2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. J. LAWRENCE, Advocate (SR-2511[F] dated 23/01/2020)

+1 CC to M/s. R. ANAND, Advocate (SR-2687[F] dated 23/01/2020)

Crl.O.P (MD) No.1247 of 2016
and

Crl.M.P. (MD) Nos.620 and 621 of 2016
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