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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2020

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.16093 of 2016

and

Cr1 MP(MD)Nos.7799 and 7800 of 2016

1.Mustafa Kani
2.Suresh @ Ilamvaluthy
3.Ilanchelian
4.Srikanth @ Jayakanthan
5.Asaitampy
6.Ayyathurai

... Petitioners / Accused 1 to 6

Vs.

1.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

... 1st Respondent / Complainant

2.Suresh

... 2nd Respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings pending in C.C.No.159 of 2016 on the file of the learned Judicial Magistrate, Uthampalayam.

For Petitioners	: Mr.R.Murali
For R1	: Mr.A.Robinson, Government Advocate (Cr1.Side)
For R2	: Mr.R.Sundar

ORDER

The petitioners are figuring as accused in C.C No.159 of 2016 on the file of the learned Judicial Magistrate, Uthamapalayam for the offences under Sections 147, 447, 427, 294(b), 323 IPC and Section 4 of TNPWH Act.

2.The learned Government Advocate (crl.side) appearing for the first respondent states that the trial in this case has already commenced.

3.I am of the view that once the trial has commenced, the Criminal Original Petition has to necessarily suffer a dismissal. However, considering the facts and circumstances of the case, the personal appearance of the petitioners is dispensed with before the court below. Of course, they have to be represented by their counsel. The learned Trial Judge shall not insist the petitioners' personal appearance unless it is necessary and warranted. Leaving open all the contentions and defences, this



criminal original petition stands dismissed. Consequently,
connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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/ /2020
Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate,
Uthamapalayam.
- 2.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-7508[F] dated
21/02/2020)

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SPU (10.06.2020) 2P-4C