



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.16456 of 2016

and

Crl.M.P.(MD)Nos.8067 & 8068 of 2016

1.Suresh Kumar
2.Robin @ Robinson
3.Watson
4.Sujin @ Suji
5.Sathish Kumar @ Biju ... Petitioners/Accused Nos.1 to 5

-vs-

1.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
(Crime No.212 of 2014) ... 1st Respondent/Complainant
2.Thangapalam ... 2nd Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code to call for the records relating to C.C.No.39 of 2016 on the file of the Judicial Magistrate, Padmanabapuram, Kanyakumari District and quash the same.

For Petitioners : Mr.R.Deepak

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

O R D E R

The petitioners are facing trial in C.C.No.39 of 2016 on the file of the learned Judicial Magistrate, Padmanabapuram, Kanyakumari District for the offence under Sections 406, 420, 467, 468 of IPC.

2.The contentions raised by the learned counsel for the petitioners will have to be considered only by the trial Court. Therefore, this Criminal Original Petition is dismissed with liberty to the petitioners to raise all their contentions before the trial



Court. It is made clear that this Court has not gone into the merits of the matter.

3.Considering the facts and circumstances of this case, the personal appearance of the petitioners is dispensed with. The Trial Judge shall not insist on the personal appearance of the petitioners unless it is absolutely necessary or imperative. The petitioners, should ofcourse, be present to answer the charges and at the time of examination under Section 313 of Cr.PC and at the time of pronouncing judgment. Except these three occasions, on other hearing dates the petitioner can be represented through counsel.

4.With this direction, this Criminal Original Petition is dismissed. 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, Padmanabapuram,
Kanyakumari District.

2.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.

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

+1 CC to M/s.F.DEEPAK, Advocate (SR-346[F] dated 06/01/2020)

Crl.O.P. (MD)No.16456 of 2016

and

Crl.M.P. (MD)Nos.8067 & 8068 of 2016

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JMN(20.02.2020) 2P : 5C