



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NOS.15526 & 15527 OF 2017

AND

CRL.M.P.NOS.9700,9701,9702 & 9703 OF 2017

1. Ayisha Beevi Hajji Mohamed

..Petitioner in
Crl.O.P.No.15526/2017

2. Ibrahim Bajurudeen

..Petitioner in
Crl.O.P.No.15527/2017

Versus

1. The State,
Rep. by Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
(Cr.Nos.52 & 51 of 2015)

2. A.S.Kalairani
Regional Passport Officer,
Regional Passport Office,
Chennai.

... Respondents in both
Crl.O.P's

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.Nos. 63 & 62 of 2017 pending on the file of the learned Judicial Magistrate II, Chidambaram and quash the same.

For Petitioners in both Crl.OP's : Mr.N.S.Sathish Babu

For Respondents in both Crl.OP's : Mr.S.Vinoth Kumar for R1
Government Advocate(crl.side)
Mr.S.U.Srinivasan for R2



WEB COPY

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceeding laid down in C.C.Nos.63 & 62 of 2017, pending on the file of Judicial Magistrate No.II, Chidambaram.

2. Heard the learned counsel appearing for the petitioners and Mr.S.Vinoth Kumar, learned Government Advocate appearing for the 1st respondent and the learned counsel appearing for the second respondent. Perused the materials available on record.

3. The learned counsel appearing for the petitioners submitted that Birth Certificates of the petitioners have been obtained from the Additional Head Quarters Deputy Tahsildar, Kattumannarkoil, Cuddalore District on 19.10.2020 and 20.09.2010, respectively. Therefore, they cannot be prosecuted.

4. When the materials unearthed by the prosecution indicate that certificates produced by the petitioners are forged, it is for the petitioners to explain under what circumstances certificates came to be obtained. In such a view of the matter, it has to be decided before the trial Court.

5. In the result, these Criminal Original Petitions are dismissed. The petitioners counsel seek indulgence of this Court to dispense with the personal appearance of the petitioners before the trial Court. Accordingly, personal appearance of the petitioners is dispensed with, except for answering the charges, receiving copies, 313 questioning or any other dates specifically fixed by the trial Court. The trial Court is directed to dispose of the matters expeditiously, by examining the witnesses on day to day basis. It is also made clear that if the petitioners do not cooperate with the Trial, the trial Court is at liberty to take coercive steps to cancel the bail and complete the trial. Consequently, connected Criminal Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

shk/mvs



To

1. The Judicial Magistrate No.II,
Chidambaram.

WEB COPY

2. Do - through The Chief Judicial Magistrate,
Cuddalore District.

3. The Inspector of Police,
Kumaratchi Police Station,
Cuddalore District.
(Cr.Nos.52 & 51 of 2015)

4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.Nos.15526 & 15527 of 2017

EV(CO)
RLP(14/12/2021)