



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

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WEB COPY

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.O.P. (MD) .No.10062 of 2021
and Crl.M.P. (MD) .Nos.5133 & 5134 of 2021

1.Hensilin Joseph @ Kensilin Joseph
2.Julian Joseph ... Petitioners/Accused Nos.1 and 2
Vs.

1.The State through
Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanniyakumari District. ... 1st Respondent/Complainant
Crime No.543 of 2019

2.Homer Lal ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to quash the impugned charge sheet in C.C.No.206 of 2020 on the file of the Judicial Magistrate No.I, Padmanabhapuram, Kanniyakumari District.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mr.R.Meenakshi Sundaram for R1
Government Advocate
(Crl. Side)

ORDER

(This petition is heard through video conference)

This petition has been filed challenging the impugned charge sheet in C.C.No.206 of 2020 on the file of the Judicial Magistrate No.I, Padmanabhapuram, Kanniyakumari District.

2.When the matter is taken up for hearing, even though the petitioner is seeking quashment of final report filed in C.C.No.206 of 2020, the learned counsel for the petitioner restricted his claim only with regard to the dispensed with the personal appearance of the petitioners before the trial Court.

3.The learned counsel for the petitioner submits that the first petitioner is a practising Advocate in Valliyoor and he has also produced the Identity Card. Similarly the second petitioner is also



working as a Teacher in Chellammal Vidyala Senior Secondary School, Thiruverumbur. Considering the position of these petitioners, their personal appearance is dispensed with before the trial Court with following conditions.

(i) The petitioners shall appear before the trial Court namely the Judicial Magistrate Court, No.I, Padmanabhapuram, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing their recent passport size photographs, to the effect that they will appear before the trial Court as and when required by them and must ensure their representation through proper Advocate.

4.The learned counsel for the petitioner further seeks a direction for speedy disposal.

5.Considering the nature of allegation and the submission made by the learned counsel for the petitioner, there shall be a direction to the learned Judicial Magistrate No.I, Padmanabhapuram, to expedite the trial and complete the same within a period of five months from the date of receipt of a copy of this order.

6.With the above conditions and directions, this petition stands disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Judicial Magistrate No.I, Padmanabhapuram.



2.The Inspector of Police,
Thuckalay Police Station,
Thuckalay,
Kanniyakumari District.

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

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-29703[F] dated 21/09/2021)
Crl.O.P. (MD) .No.10062 of 2021
20.09.2021

MGJ(01.10.2021) 3P 6C