



WEB COPY

Crl.O.P.(MD)No.19142 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.19142 of 2021

and

Crl.M.P. (MD)Nos.10655 & 10656 of 2021

1.Maria Chandra Theresa

2.Pawulal

... Petitioner / Accused Nos.2 & 3

Vs

1.State represented by
The Inspector of Police,
Rajakamangalam,
Kanyakumari District.
(Crime No.110/2019)

2.Abiraham

... Respondents/ Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records pertaining to the charge sheet filed in S.C.No.68 of 2021 on the file of the learned Sessions Judge, Mahila Court, Nagercoil at Kanyakumari District and to quash the same so far as the petitioners are concerned.

For Petitioner : Mr.Niranjana S.Kumar

For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the impugned proceedings in S.C.No.68 of 2021 on the file of the Sessions Judge Mahila Court, Nagercoil, Kanyakumari District.

2. The petitioners are facing trial along with the other accused for the offences under Sections 304(B) and 498(A) of IPC.

3. The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds.

4. I am not persuaded by the said contentions. As rightly pointed out by the learned Additional Public Prosecutor, consideration of the said contentions would necessarily undertake

<https://hcservices.ecourts.gov.in/hcservices/>



a factual probe. Under Section 482 of Cr.P.C., I cannot do so. Leaving open the petitioner's defences, this Criminal Original Petition is dismissed.

5. However, taking note of the overall facts and circumstances, the personal appearance of the petitioners before the court below is dispensed with. The learned trial Magistrate shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners 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 petitioners can be represented through their counsel. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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 Sessions Judge Mahila Court, Nagercoil,
Kanyakumari District.
2. The Inspector of Police,
Rajakamangalam,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-37449[F] dated
06/12/2021)

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RD(21.12.2021) 2P 5C