



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.18879 of 2021

and

Crl.M.P.(MD)Nos.10472 & 10473 of 2021

WEB COPY

1.Suliyana Abbas @ Mohamed Abbas
2.Makku Nayina Mohamed
3.Muhammed Masala Asan
4.Teakadai Ussain @ Peer Mohamed
5.Kadhariya Dhaha ... Petitioners/Accused No.1 to 5
vs.

1.The State rep. by
Inspector of Police,
Kadayanallur Police Station,
Tirunelveli District.
(in Crime No.276 of 2013) ... Respondent/Complainant

2.Ismail ... Respondent/Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records of the impugned charge sheet in C.C.No.29 of 2019 on the file of the Judicial Magistrate, Tenkasi and quash the same as illegal.

For Petitioner : Mr.S.M.A.Jinnah
For R1 : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.29 of 2019 on the file of the Judicial Magistrate, Tenkasi.

2. The petitioners are facing trial for the offences under Sections 147, 294B, 452 and 323 of IPC. In the very nature of things, the contentious facts are involved.

3. In exercise of jurisdiction under Section 482 of Cr.P.C., I cannot consider such contentions. Therefore, leaving open the petitioners' defences and contentions, this Criminal Original Petition is dismissed. The learned trial Magistrate is directed to conclude C.C.No.29 of 2019 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.



4. 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-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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, Tenkasi.

2.The Inspector of Police,
Kadayanallur Police Station,
Tirunelveli 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.

Crl.O.P. (MD)No.18879 of 2021
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USK (10.12.2021) 2P 5C