



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20386 of 2021

WEB COPY

1. Joseph Raja
2. Paul Poulraj
3. Vedamanikam

... Petitioners / Accused
Nos.2 to 4

Vs

1. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Cr.No.221 of 2018)

... 1st Respondent / Complainant

2. Prasath

... 2nd Respondent / Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in respect of P.R.C.No.21 of 2021 on the file of the District Munsif cum Judicial Magistrate, Kadaladi and to quash the same.

For Petitioners : Mr.K.Kumaravel
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in P.R.C.No.21 of 2021 on the file of the District Munsif cum Judicial Magistrate, Kadaladi.

2. The petitioners are figuring as A2 to A4 in the said case. The first respondent has filed the final report for the offences under Sections 302, 201, 120B and 364 of IPC.

3. The petitioner's counsel submitted that the first accused passed away some time in the year 2020 and later, the petitioners have been implicated on the strength of an alleged confession statement.

4. Though the contentions of the petitioner's counsel are quite persuasive, in view of their factual nature, I am not in a position to consider the same. The petitioners have to establish their innocence only before the trial Court. All the contentions and defences of the petitioners are left open. This Criminal



Original Petition stands 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 petitioner 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.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

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 District Munsif cum Judicial Magistrate,
Kadaladi.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P(MD)No.20386 of 2021
21.12.2021

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SB(12.01.2022) 2P 4C