



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.427 of 2022

and

Cr1.M.P. (MD)Nos.325 and 327 of 2022

WEB COPY

1.S.Perumal
2.P.Kumaresan
3.M.Murugesan @ Murugappa

... Petitioners/
Accused Nos 1 to 3

Vs.

The Inspector of Police,
Kurangani Police Station,
Theni District.
(Crime No.77 of 2020)

... Respondent/Complainant

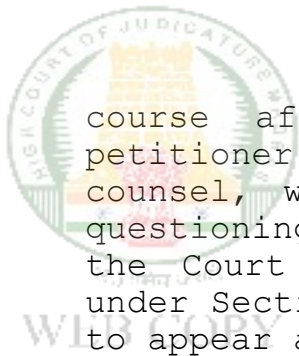
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records from the learned Judicial Magistrate, Bodinayakanur in STC No.262 of 2021 and quash the same as it has no prima facie case against the petitioners.

For Petitioners : Mr.H.Velvadhas
For Respondent : Mr.M.Sakthi Kumar,
Govt. Advocate (Cr1. Side).

O R D E R

This criminal original petition has been filed to quash the impugned proceedings in S.T.C.No.262 of 2021 on the file of Judicial Magistrate, Bodinayakanur.

2.The learned counsel for the petitioners submitted that for digging an agricultural well in their patta land, they had purchased explosives from an authorized dealer and used the same. For this, an FIR was registered against them and they have also been charge sheeted. The petitioners' counsel states that the second petitioner is due to leave for overseas employment. He wants this Court to direct the Court below to dispose of the case itself on merits and in accordance with law within a period of four weeks. Such a request does not appear to be reasonable. I do not know the workload of the learned Trial Magistrate. The case itself is of the year 2021. Therefore, instead of giving a direction to the Court below for speedy disposal, I permit the second petitioner to apply to the Court to leave India for overseas employment. If such an application is filed, the same will be allowed by the Court below of



course after stipulating appropriate conditions. The second petitioner shall also execute a special vakalat in favour of a counsel, who can represent the second petitioner at the time of questioning. The second petitioner is permitted to appear before the Court below through video conferencing even for examination under Section 313 of CrPC. However, the second petitioner will have to appear at the time of pronouncing judgment.

3. With this relief in favour of the second petitioner, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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,
Bodinayakanur.
2. The Inspector of Police,
Kurangani Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P(MD)No.427 of 2022
11.01.2022

SP(CO)
GC(31.01.2022) 2P 4C