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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.2067 of 2022

and

Cr1.M.P. (MD)Nos.1527 and 1529 of 2022

1.Basith
2.Seithu Salahudeen @ Salavudeen
3.Sabiya Begam @ Sabiya Beevi
4.Sulaikamumma @ Sulaiga Beevi ... Petitioners

Vs.

1. The State rep by,
The Inspector of Police,
Valinokkam Police Station,
Ramanathapuram District.
(Crime No.63 of 2021)

2. Nilobar Nisha ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records of impugned charge sheet in C.C.No.115 of 2021 on the file of the learned District Munsif Cum Judicial Magistrate, Kadaladi, Ramanathapuram District and quash the same against the petitioners as illegal.

For Petitioners : Mr.S.M.A.Jinnah

For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

ORDER

The petitioners are facing trial in C.C.No.115 of 2021 on the file of Judicial Magistrate, Kadaladi.

2.The learned counsel appearing for the petitioners raised a host of contentions. I find quite a few of them to be highly persuasive. In particular, the point that the complaint was belatedly given and that the complainant initially agreed to withdraw the complaint in the station itself do find favour with me. Yet I am afraid that in exercise of power under Section 482 of CrPC, I cannot take up the case on merits. Therefore, leaving



open the petitioners' contentions and defences, this criminal original petition is dismissed. However taking note of the overall facts and circumstances, the personal appearance of the petitioners before the Court below is dispensed with. However, the Court below will insist on the personal appearance of the petitioners only on three occasions namely, to answer the charge, for examination under Section 313 of CrPC and at the time of pronouncing Judgment. On all other occasions, the petitioners need not appear before the Court below. However, on those occasions, the petitioners will have to be represented by their counsel. If the petitioners' counsel is also absent, the benefit of dispensing with the personal appearance of the petitioners will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar(LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar

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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 District Munsif Cum Judicial Magistrate,
Kadalai, Ramanathapuram District.
2. The Inspector of Police,
Valinokkam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
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SP/02/03/2022/2P/4C