



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1423 of 2022

and

Crl.M.P. (MD)Nos.1057 and 1059 of 2022

1.Kingsley Jebasingh
2.Kala
3.Manju

... Petitioners/Accused Nos.1, 7 & 8
Vs.

1.The Inspector of Police,
Neasmony Nagar Police Station,
Kanniyakumari District. ... 1st Respondent/Complainant

2.Rajasekar ... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the C.C.No.30 of 2016 on the file of the Judicial Magistrate No.II, Nagercoil at Kanniyakumar District and quash the same.

For Petitioners	:	Mr.A.Robinson
For Respondents	:	Mr.M.Sakthi Kumar, Govt. Advocate (Crl. Side) for R1.

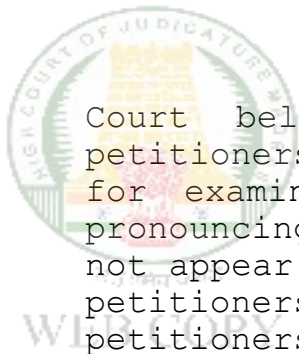
O R D E R

Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the first respondent.

2.The petitioners are figuring as Accused Nos.1, 7 and 8 in C.C.No.30 of 2016 on the file of the Judicial Magistrate No.II, Nagercoil at Kanniyakumar District.

3.The learned counsel for the petitioners reiterated all the contentions set out in the memorandum of grounds. Since contentious facts are involved, I am not in a position to invoke the powers under Section 482 of CrPC in their favour.

4.Leaving open all their 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/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

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 No.II,
Nagercoil,
Kanyakumari District.
- 2.The Inspector of Police,
Neasmony Nagar Police Station,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.ROBINSON, Advocate (SR-2651[F] dated 27/01/2022)
Crl.O.P (MD)No.1423 of 2022
27.01.2022

ARK(CO)
GC(11.02.2022) 2P 5C