



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1731 of 2022

and

Cr.M.P(MD)Nos.1256 & 1258 of 2022

1.Santhi Thaniel
2.Brinthha

... Petitioner/
Accused Nos.1 & 2

Vs.

1.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
(Crime No.389 of 2019)

... 1st Respondent/
Complainant

2.T.Varatharajan

... 2nd Respondent/
Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the C.C.No.87 of 2021 for offences under Sections 294(b), 323 and 506(ii) pending before the learned Judicial Magistrate, Eraniel, Kanyakumari District and quash the same against the petitioners as illegal.

For Petitioners : Mr.J.Pandi Doorai

For Respondents : Mr.M.Sakthi Kumar

Government Advocate (Crl.Side) for R.1

ORDER

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

2. The petitioners are facing trial in C.C.No.87 of 2021 on the file of Judicial Magistrate, Eraneal, Kanyakumari District for the offences under Section 294(b), 506(ii) and 323 IPC.

3. The petitioners counsel reiterated all the contentions set out in the memorandum of grounds.



4. Since they are factually contentious, I am not in a position to grant relief sought for the petitioners. This Criminal Original Petition is dismissed.

5. Taking into consideration the facts and circumstances of the case, the personal appearance of the petitioner before the Court below shall stand dispensed with. The Court below will insist on the personal appearance of the petitioner only on three occasions namely, to answer the charges, examination under Section 313 of Cr.P.C., and at the time of pronouncing Judgment. On all other occasions, the petitioner need not appear before the Court below. However, on those occasions, the petitioner will have to be represented by his counsel. If the petitioner's counsel is also absent, the benefit of dispensing the personal appearance of the petitioner will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

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,
Eraniel,
Kanyakumari District.
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.1731 of 2022

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SS/07.03.2022 : 2P/4C

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