



Crl.O.P.(MD)No.1325 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)No.1325 of 2023

1.Maria rosammal

2.Glistus Regi

3.Melbin

... Petitioners

Vs.

1.The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

2.P.Brightson

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.26 of 2018 on the file of learned Judicial Magistrate, Eraniel, Kanyakumari District and quash the same.

For Petitioners	: Mr.M.Sankar
For Respondent	: Mr.R.Sivakumar
	Government Advocate (Crl. Side)
	for R1



Crl.O.P.(MD)No.1325 of 2023

ORDER

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This Criminal Original Petition has been filed to quash the proceedings in C.C.No.26 of 2018 on the file of learned Judicial Magistrate, Eraniel, Kanyakumari District.

2. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the trial has been commenced and L.W.1 has already been examined and now the case is posted to 10.02.2023 for further examination of L.W.2 to L.W.5.

3.This Court is of the view that all the grounds can be raised before the trial Court and there is no merit in the quash petition.

4. At this juncture, the learned counsel appearing for the petitioners prayed that the personal appearance of the petitioners 1 and 2 who are ladies may be dispensed with before the trial Court.



Crl.O.P.(MD)No.1325 of 2023

5. Accepting the said submission, the presence of the petitioners 1 and 2 before the trial Court shall be dispensed with on condition that petitioners 1 and 2 shall be present on the first day of appearance , on the date fixed for receiving the copies, initial questioning, reply to charges and questioning under Section 313 of Cr.P.C., and at the time of passing judgment and whenever insisted upon by the trial court.

6.The petitioners 1 and 2 are further directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates and that the Counsel representing them will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners 1 and 2 shall not dispute the identity of the witnesses. The petitioners 1 and 2 shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners 1 and 2 adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 1 and 2 in accordance with the judgment of Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.



Crl.O.P.(MD)No.1325 of 2023

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7. Accordingly, this Criminal Original Petition dismissed.

27.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
tta

To

1. Judicial Magistrate, Eraniel,
Kanyakumari District.

2. The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1325 of 2023

A.D.JAGADISH CHANDIRA,J

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Order made in
CrI.O.P.(MD)No.1325 of 2023

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