



Crl.O.P.(MD).No.5243 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.5243 of 2023

and

CRL.M.P.(MD).Nos.4616 & 4619 of 2023

1.Batric Ignacious @ Batric Iknocious

2.Xavier Retin @ Xavier Rethin

... Petitioners

Vs.

1.State represented by
the Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

2.Kamaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records relating to the charge sheet in C.C.No.1055 of 2022 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai and quash the same.

For Petitioners : Mr.S.Kanagarajan

For R-1 : Mr.R.Suresh Kumar
Government Advocate (Crl. side)



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ORDER

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This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C.No.1055 of 2022 pending on the file of the learned Judicial Magistrate No.II, Kuzhithurai.

2.The petitioners are facing charges before the trial Court, under Section 294(b), 323, 324, 379 & 506(ii) of IPC in Crime No.174 of 2017 on the file of the first respondent. After completing the investigation, charge sheet has been filed before the concerned Court. Seeking quashment of the above said charge sheet, this petition has been filed on various grounds.

3.Even though this petition has been filed seeking to quash the above said charge sheet, the learned counsel for the petitioner today restricts his prayer and would submit that he will be satisfied, if personal appearance of the petitioner before the trial Court is dispensed with.



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4.In view of the submissions made by the learned counsel for the petitioners, this criminal original petition is dismissed. Consequently, connected miscellaneous petitions are closed. However, considering the submissions of the learned counsel for the petitioners, personal appearance of the petitioners before the trial Court is dispensed with the following condition.

(i)The petitioner shall appear before the learned Judicial Magistrate No.II, Kuzhithurai, within a period of 15 days from the date of receipt of a copy of this order and file an undertaking affidavit, by affixing his recent passport size photograph, to the effect that he will appear before the trial Court as and when required and must ensure his proper representation through Advocate.

09.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

1.The Judicial Magistrate No.II, Kuzhithurai

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

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



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G.ILANGO VAN,J.

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