



CrI.O.P(MD)No.9504 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM

THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN

CrI.O.P(MD). No.9504 of 2020
and
CrI.M.P(MD)Nos.4456 and 4457 of 2020

1. Alex
 2. Antony
 3. Yesumariyan
 4. Kasheela
 5. Sheeja
 6. Mary
 7. Suseela
 8. Peter Edwin Franklin .. Petitioners/Accused Nos.1 to 8
- Vs.
- A.Sunitha Bai .. Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in C.C.No.268 of 2019

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on the file of the learned Judicial Magistrate No.1, Kuzhithurai and quash the same.

For Petitioners : Mr.N.Dilip Kumar

For Respondent : Mr.J.Pandi Dorai

ORDER

When the matter is taken up for hearing the learned counsel for the petitioner submitted that eventhough there are some arguable points in this petition, he seeks permission of this Court to raise all the points before the trial Court at the time of trial. He further requested this Court to dispense with the appearance of the petitioners before the trial Court during trial. He also submitted that since this case is pending from 2014 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.

2. This Court is inclined to accept the request of the petitioner. Hence, this petition is disposed of with the following directions:



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1. The learned Judicial Magistrate No.1, Kuzhithurai, is directed to dispose the case in C.C.No.268 of 2019 within a period of six months from the date of receipt of a copy of this order without influenced of the dismissal of this petition.
2. The petitioners are hereby permitted to raise all the points before the trial Court.
3. The appearance of the petitioners is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.
- 3.1.** The petitioners are directed to give an undertaking in the form of affidavit that they will be duly represented by a counsel on all hearing dates.
- 3.2.** The petitioners shall not dispute the identity of the witnesses.
- 3.3.** The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification.



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3.4. If the petitioners adopt any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners in accordance with the judgment of the Hon'ble Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

Consequently, connected miscellaneous petitions are closed.

11.12.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
PJJ

To

1. The Judicial Magistrate No.1,
Kuzhithurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K. RAMAKRISHNAN,J.

PJL

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4457 of 2020**

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