



Crl.O.P.(MD)No.2339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2339 of 2023
and Crl.M.P.(MD)No.2108 & 2113 of 2023

1.Mathivanan
2.Kathirvel
3.Perumal.PR
4.Narayanan.K.S.
5.Velaiyan Chettiyar
6.Ganesan
7.Raman

... Petitioners

Vs.

1.The State rep by
The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.

2.M.Nivas

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to call for the records of the impugned charge sheet in STC.No.123 of 2022 on the file of the Judicial Magistrate, Thirumayam and quash the same.

For Petitioners : Mr.G.Prabhu Rajadurai.



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For R1

: Mr.R.Sivakumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records of the impugned charge sheet in STC.No.123 of 2022 on the file of the Judicial Magistrate, Thirumayam and quash the same.

2.Today, when the matter is taken up for hearing, the learned Government Advocate(Crl.side) appearing for the first respondent would submit that the trial has already been commenced and L.W.1 was examined.

3.At this juncture, the learned counsel appearing for the petitioners would submit that it would be suffice that a direction may be issued to the learned Judicial Magistrate, Thirumayam to complete the trial and dispose the case within a time frame fixed by this Court and that the appearance of the petitioners, who are all senior citizens, before the trial Court may be dispensed with.



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4.Considering the limited prayer now sought for by the learned counsel appearing for the petitioners, the Judicial Magistrate, Thirumayam is directed to complete the trial in STC.No.123 of 2022 and dispose the case within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition in CrI.M.P.(MD)No.2108 of 2023 is closed.

6.Considering the facts and circumstances, the personal appearance of the petitioners before the trial Court is ordered to be dispensed with, on conditions that they shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on all the hearings, specifically directed by the trial court. The petitioners 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



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chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts 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 Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in *2001 (4) SCC 667*.

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate,
Thirumayam.
- 2.The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

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