



*Crl.O.P.(MD)No.18205 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

Crl.O.P.(MD)No.18205 of 2024

and

Crl.M.P.(MD)Nos.11288 and 11289 of 2024

1.Manoharan

2.Vijayaragavan

: Petitioners/A1 & A2

Vs.

1.The State of Tamil Nadu rep.by  
The Sub-Inspector of Police,  
Puthukadai Police Station,  
Kanyakumari District.  
Crime No.368 of 2017.

2.Prince

: Respondents

**PRAYER** : Criminal Original Petition filed under Section 528 of BNSS, to call for the records pertaining to the C.C.No.219 of 2019 for the offence under Section 506 (ii) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 pending before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and quash the same is so far as the petitioners concerned.

For Petitioners : Mr.J.Pandi Dorai,



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For Respondents : Mr.K.Sanjai Gandhi,  
Government Advocate (Criminal Side)  
for R1.

### **ORDER**

This Criminal Original Petition filed, under Section 528 of BNSS., seeking orders, to call for the records pertaining to the C.C.No.219 of 2019 for the offence under Section 506 (ii) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 pending before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District and quash the same is so far as the petitioners concerned.

2. When the matter is taken up for hearing today, the learned counsel for the petitioners would submit that though this petition has been filed to quash the proceedings in C.C.No.219 of 2019 on the file of the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, limited relief may be given to dispose of the case within a time frame as fixed by this Court and the personal appearance of the petitioners before the trial Court may be dispensed with.

3. Considering the facts and circumstances of the case and also taking note of the limited prayer now sought for by the petitioners, without expressing



any view with regard to the merits of the case, the learned Magistrate No.II, Kuzhithurai, Kanyakumari District, is directed to complete the trial in C.C. No.219 of 2019 and dispose of the same as expeditiously as possible preferably, within a period of four months from the date of receipt of a copy of this order and 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 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 chief. The petitioners shall not dispute the identity of the witnesses. The petitioners shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. 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 Supreme Court of India, *in State of Uttar Pradesh Vs. Shambunath Singh*, reported in 2001 (4) SCC 667.



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4. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

**25.10.2024**

NCC : Yes/ No  
Index : Yes/No  
Internet : Yes/ No  
das

To

- 1.The Assistant Sessions Judge, Kuzhithurai,  
Kanyakumari District.
- 2.The Inspector of Police,  
Puthukadai Police Station,  
Kanyakumari District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR,J.**

das

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and  
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