



CRL MP(MD) No.12800 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of November Two Thousand and Twenty
Four

PRESENT

The HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL MP(MD) No.12800 of 2024
in
CRL OP(MD)No.20716 of 2024

VIJIL JONES

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
(IN CRIME NO.23/2024)

2 JOSEPH RAJ

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to stay all further proceedings of the impugned Charge Sheet in CC No.187/2024, on the file of the learned Judicial Magistrate Court No.I, Padmanabhapuram, Kanyakumari District, pending disposal of the main Criminal Original Petition.

Prayer in CRL OP(MD). 20716/ 2024 :

To call for the records of the impugned charge sheet in CC No.187/2024 on the file of the Learned Judicial Magistrate Court No.1, Padmanabhapuram, Kanyakumari District, and Quash the same as illegal in so far as this petitioner is concerned.



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Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.KISHORE, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the 1st Respondent while admitting the Criminal Original Petition.,, the Court made the following order:-

Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor, takes notice for the first respondent.

2. Notice to the second respondent returnable by **17.12.2024**. Private notice is also permitted.

3. The complaint against the petitioner is that he posted certain derogatory comments on Facebook regarding the Chief Minister and other Ministers, which led to discussions among the second respondent and his colleagues, all of whom belong to a political party and the petitioner, who belongs to a rival political party. Being offended by the postings made by the petitioner, they lodged a complaint.

4. The learned counsel for the petitioner contends that the petitioner's postings do not contain any derogatory remarks, nor do they provoke a riot or intentionally insult anyone. Instead, he claims that the second respondent / de-facto complainant



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lodged the complaint to gain political advantage, and that the first respondent, without fully considering the nature of the postings, registered an F.I.R. The respondent has now filed a final report in C.C.No.187 of 2024.

5. In support of his contention, the learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court in **Javed Ahmad Hajam vs. State of Maharashtra and another**, reported in **2024 (2) MLJ (CrI) 268 (SC)**.

6. Finding merit in the submissions made by the learned counsel for the petitioner, this Court is inclined to grant an interim stay of all further proceedings in C.C.No.187 of 2024, pending before the Judicial Magistrate Court No.I, Padmanabhapuram, Kanyakumari District. Accordingly, an interim stay is hereby granted.

7. Considering the facts and circumstances of the case, the personal appearance of the petitioner in C.C.No.187 of 2024, on the file of the Judicial Magistrate Court No.I, Padmanabhapuram, Kanyakumari District, is ordered to be dispensed with, on condition that he shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and



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on the hearings, specifically directed by the trial Court. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and that the counsel representing him will cross-examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the learned trial Judge for the purpose of identification. If the petitioner adopts any dilatorily tactics, it is open for the trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of the Hon'ble Supreme Court in the case of *State of Uttar Pradesh vs. Shambhu Nath Singh* reported in **2001 (4) SCC 667**.

sd/-
27/11/2024

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/12/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMN2

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
PADMANABHAPURAM, KANYAKUMARI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



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3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.KISHORE, Advocate (SR-14643[I] dated 28/11/2024)

ORDER
IN
CRL MP(MD) No.12800 of 2024
in
CRL OP(MD)No.20716 of 2024
Date :27/11/2024

SS/GSV/SAR- /10/12/2024/ 5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023