

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.Nos.18766 and 18767 of 2015

and M.P.Nos.1+1 and 2+2 of 2015

Kavin Vivek Petitioner
in CrIOP No.18766 of 2015

D.Vivekanandan Petitioner
in CrIOP No.18767 of 2015

Vs

1.State rep by
The Inspector of Police,
V5, Thirumangalam Police Station,
Thirumangalam,
Chennai-8.

2.A.Ganapathy Respondents in both OPs

Prayer in CrI.OP.Nos.18766 and 18767 of 2015:- Criminal Original
Petitions filed under Section 482 of the Code of Criminal Procedure
to call for the records in CC.No.99 of 2015 on the file of the
learned X Metropolitan Magistrate, Egmore, Chennai, and to quash the
same.

For Petitioners :Mr.U.Karunakaran
in both CrIOPs

For Respondents :Mr.C.Emalias,
Additional Public Prosecutor for R1
in both CrIOPs

COMMON ORDER

These petitions have been filed to quash the proceedings in
CC.No.99 of 2015 on the file of the learned X Metropolitan
Magistrate, Egmore, Chennai.

2.Heard the learned counsel for the petitioners and the
learned Additional Public Prosecutor for the 1st respondent and
perused the materials placed on record.

3. When this Court was about to dismiss these petitions on merits, the learned counsel for the petitioners sought permission to withdraw these petitions and also for dispensing with the personal appearance of the petitioners before the trial Court and has made an endorsement to that effect.

4. In view of the above, these Criminal Original Petitions are dismissed as withdrawn.

5. As regards the request for dispensing with the personal appearance as the petitioner is 60 years old, this Court directs the petitioner to appear before the trial Court for collecting the papers under Section 207 CrPC, for answering the charge, for answering questions under Section 313 CrPC and on the day of Judgment. For the other hearings, the petitioner shall file a petition before the trial Court that his counsel will cross examine the witnesses without insisting for his presence and that he will not dispute his identity. On such petition being filed, the trial Court is directed to liberally consider the same. If the petitioner adopts dilatory tactics, the Trial Court is entitled to insist the presence of the petitioner. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar (CSIII)

True Copy

Sub-Assistant Registrar

mps

To

1. The X Metropolitan Magistrate,
Egmore, Chennai.

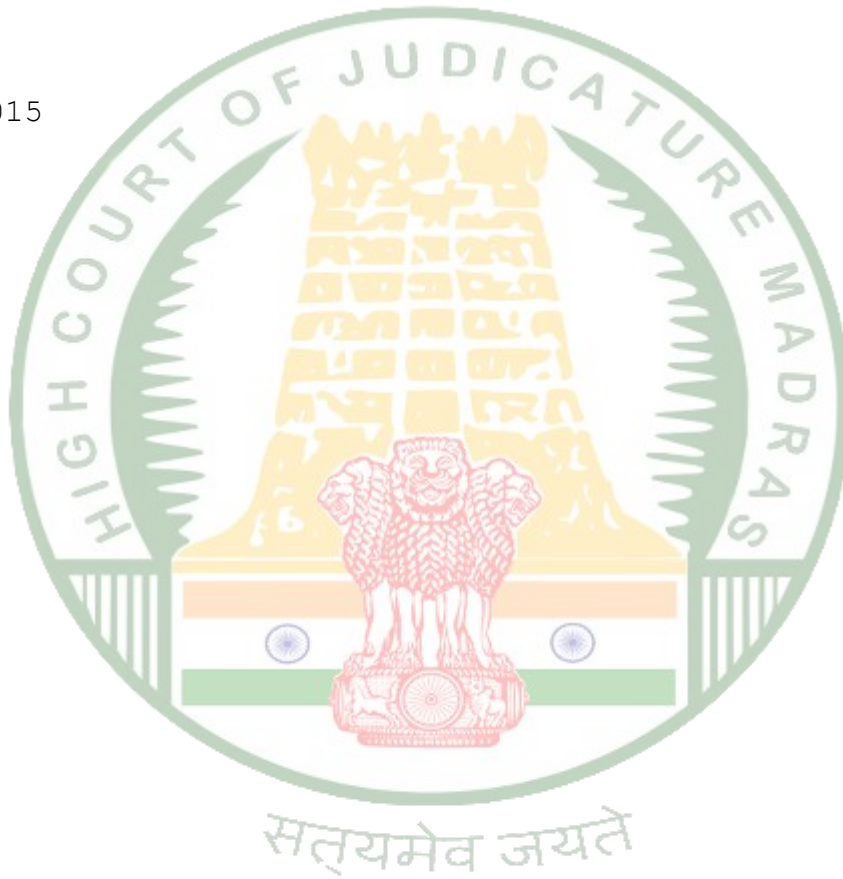
2. The Inspector of Police,
V5, Thirumangalam Police Station,
Thirumangalam,
Chennai-8.

3.The Public Prosecutor,
High Court, Chennai.

+2 cc ot Mr.U.Karunakaran, Advocate sr.38557,38558

Cr1.OP.Nos.18766&18767 of 2015
&M.P.Nos.1+1&2+2 of 2015

svl(co)
aa11/08/2015



WEB COPY