

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.8062 of 2015
and
M.P.Nos.1 and 2 of 2015

R.Thangavel

.. Petitioner

Vs

State Rep. By
Inspector of Police,
Erode Taluk Police Station.
(Cr.No.385/2004)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.197 of 2006 on the file of Judicial Magistrate -I, Erode and to quash the same.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondent : Mr.C.Emalias,
Additional Public Prosecutor for R1

ORDER

This petition is filed to quash the proceedings in C.C.No.197 of 2006 on the file of the learned Judicial Magistrate-I, Erode.

2. Since this Court was not inclined to admit this Criminal Original Petition, permission has been sought for by the petitioner to withdraw this petition and he has also made an endorsement to that effect. Permission is granted. At this juncture, the learned counsel for the petitioner submit that the petitioner is aged about 58 years and therefore, his presence may be dispensed with.

3. Accepting the submission of the learned counsel for the petitioner, this Court directs the petitioner to appear before the trial Court for receiving the final report under Section 207 Cr.P.C., for answering the charge, for answering the question under Section 313 Cr.P.C. and on the date of judgment. For the other hearing, 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 the identity. On such petition is being filed, the trial Court is directed to liberally consider the same and dispense with his presence for the other hearings. The trial Court is directed to

conduct the trial in C.C.No.197 of 2015 and dispose of the same as expeditiously as possible.

4. In view of the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn with liberty to raise all the points before the trial Court. Consequently, M.P.No.1 of 2015 is closed and M.P.No.2 of 2015 is disposed of with the above direction.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vsm

To

- 1.The Inspector of Police,
Erode Taluk Police Station.
- 2.The Judicial Magistrate -I,
Erode.
3. do thro the Chief Judicial Magistrate
Erode
- 4.The Public Prosecutor,
High Court, Madras.

Crl.OP No.8062 of 2015

RJ (CO)
kk 19/6

सत्यमेव जयते

WEB COPY