

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.9941 of 2015
and
M.P.Nos.1 and 2 of 2015

1.A.Jainla

2.J.Jalai

..Petitioners/Accused 1&2

Vs

State Rep. By

B-1, Siva Kanchi Police Station,
Kancheepuram.

(Crime No.276 of 2012)

..Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.169 of 2014 on the file of Judicial Magistrate -I, Kancheepuram and quash the same.

For Petitioners : Mr.B.R.Shankaralingam

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

ORDER

This petition is filed to quash the proceedings in C.C.No.169 of 2014 on the file of the learned Judicial Magistrate-I, Kancheepuram.

2. Since this Court was not inclined to admit this Criminal Original Petitions, permission has been sought for by the petitioners 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 petitioners submit that the 1st petitioner is aged about 63 years and therefore, his presence may be dispensed with.

3. Accepting the submission of the learned counsel for the petitioners, this Court directs the 1st 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 1st 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.169 of 2014 and dispose of the same as expeditiously as possible.

4. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn with liberty to raise all the points before the trial Court.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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsm
To

1.The Inspector of Police,
B-1, Siva Kanchi Police Station,
Kancheepuram.

2.The Judicial Magistrate -I,
Kancheepuram.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.B.R.Shankaralingam, Advocate Sr.27628

Cr1.OP No.9941 of 2015

KK(CO)
Eu 19.06.15

WEB COPY