

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.11447 of 2016
and
CrI.MP.Nos.5847 & 5848 of 2016

1.Balasubramanian
2.Sadacharam

...Petitioners

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch /
Anti Land Grabbing Special Cell,
Nagapattinam,
Nagapattinam District.
(Crime No.7 of 2013)

2.Natarajan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for the records pertaining to the case in C.C.No.96 of 2015 on the file of the Judicial Magistrate, Nagapattinam and quash the same.

For Petitioners : Mr.S.Ramasamy

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

O R D E R

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.96 of 2015 on the file of the Judicial Magistrate Court No.I, Nagapattinam.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent.

3. When this court was about to dismiss this petition on merits, the learned counsel for the petitioners sought permission to withdraw this petition, with liberty to raise all the points before the Trial Court and has made an endorsement to that effect.

4. At this juncture, Mr.S.Ramasamy, the learned counsel for the petitioners submits that the petitioners are Sub-Registrars and their presence before the Trial Court may be dispensed with. Recording his submission, this Court direct the petitioners to appear before the trial Court, for receiving the complaint, for answering the charge, at the time of questioning under Section 313 Cr.P.C., and at the time of passing judgment. The petitioners shall file an affidavit of undertaking before the trial Court that they will not dispute their identity and that their counsel will cross-examine the prosecution witness on the day, they are examined in-chief and that they will not adopt dilatory tactics. On such undertaking, the trial Court shall dispense with the personal appearance of the petitioners. If the petitioners adopt any dilatory tactics, the trial Court can insist on their presence.

5. In view of the above, this Criminal Original Petition is dismissed as withdrawn to raise all the points before the Trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ds

To

1.The Judicial Magistrate NO.1, Nagapattinam,
Nagapattinam.

2. The Chief Judicial Magistrate, (for information)
Nagapattinam.

3.The Inspector of Police,
District Crime Branch /
Anti Land Grabbing Special Cell,
Nagapattinam,
Nagapattinam District.

4.The Public Prosecutor
High Court, Chennai.
+1cc to Mr.Thamizhavel, Advocate, S.R.No.32332

CTK(CO)
EU(01/07/2016

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