

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.14402 of 2016  
and  
CrI.MP Nos.7251 and 7252 of 2016

K.Subramanian

... Petitioner

Vs

M/s.Vetrivel Explosives Private Limited  
rep.by its Managing Director  
Vijaya Kannan,  
S/o.Ramalingam,  
135F, Kennedy Nagar,  
Salem-5.

Rep.by its Authorised Signatory  
R.Rajendran,  
S/O.Ramaswamy,  
135F, Kennedy Nagar,  
Salem-5.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records relating to the complaint in STC No.182 of 2016 on the file of the learned Judicial Magistrate No.III, Salem and to quash the same.

For Petitioner : Mr.ARL.Sundaresan  
for M/s.AL.Ganthimathi

ORDER

This criminal original petition has been filed to call for the records relating to the complaint in STC No.182 of 2016 on the file of the learned Judicial Magistrate No.III, Salem and to quash the same.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. When this Court was about to dismiss this petition on merits, the learned counsel for the petitioner sought permission to withdraw this petition and he has also made an endorsement to that effect.

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court.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

5. At this juncture, the learned counsel for the petitioner prayed for dispensing with the personal appearance of the petitioner in the Trial Court.

6. The accused is directed to surrender before the trial Court and on his appearance, he shall be released on bail under Section 436 Cr.P.C. on his executing a bond for Rs.5,000/- [Rupees five thousand only] with two sureties to the satisfaction of the Learned Magistrate, so that he will be entitled to the benefits u/s 389(3) Cr.P.C. Thereafter, the presence of the petitioner before the trial Court is dispensed with, on condition that he shall file an affidavit before the trial Court that he will not dispute his identity and that his counsel will cross-examine the witnesses when he examined in-chief, as held by the Hon'ble Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MCJ [CrI] 288. The petitioner shall be present before the trial Court for receiving the charge sheet, for answering charge, for questioning under Section 313 Cr.P.C. and on the date of judgment. On other hearings, if he files an application for dispense with, the same shall be permitted by the trial Court. If the petitioner adopts any dilatory tactics, it is open to the trial Judge to require the presence of the petitioner and take steps to remand him to custody under Section 309 Cr.P.C. as held by the Hon'ble Supreme Court in State of Uttarpradesh Vs Shambu Nath Singh reported in JT 2001[4] SC 319.

Sd/-

Assistant Registrar(J)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

sms  
To

1. The Judicial Magistrate No.III,  
Salem.
2. Do Through The Chief Judicial Magistrate,  
Salem.

+1cc to M/s.AL. Ganthimathi, Advocate, S.R.No.39783

CrI.OP.No.14402 of 2016 &  
CrI.MP.Nos.7251&7252 of 2016

KGK(CO)

CA(03/08/2016)

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