

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. No.17121 of 2016

and

CrI.M.P.Nos.8221 and 8222 of 2016

1.G.Kesavan
2.K.Narayanan
3.K.Rangan

...Petitioners/Accused
1 to 3

Vs

1.The Sub Inspector of Police
Pudhupettai Police Station
Cuddalore District.

...Respondent/Complainant

2.G.Vittal Dass

...2nd Respondent/
Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records in C.C.No.118 of 2014 pending on the file of the learned Judicial Magistrate-II, Punrutti, Cuddalore District and quash the same.

For petitioners : Mr.B.Sundarapandiyan

For R1 : Mr.C.Emalias
Addl.Public Prosecutor

For R2 : Mr.B.Gandhi

ORDER

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

2. In view of the above endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn with liberty to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

3. At this juncture, the learned counsel for the petitioners submitted that the presence of G.Kesavan/first petitioner [A1] before the trial Court may be dispensed with. The first petitioner is directed to be present 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 first petitioner shall file an affidavit of undertaking before the trial Court that he will not dispute his identity and that his counsel will cross examine the prosecution witnesses 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 first petitioner. The trial Court shall ensure that the accused cross examines the witnesses on the day they are examined-in-chief as directed by the Supreme Court in Vinoth Kumar vs. State of Punjab [2015(1) MLJ (crl) 288]. If the accused adopt any dilatory tactics, it is open to the trial Court to remand them to custody in terms of the law laid down by the Supreme Court in State of Uttar Pradesh v. Shambunath Singh [JT 2001 (4) SC 319].

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Sub Inspector of Police,
Pudhupettai Police Station,
Cuddalore District.
- 2.Do Through The Chief Judicial Magistrate,
Cuddalore.
- 3.TheJudicial Magistrate-II,
Punrutti, Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Sundarapandiyan, Advocate, S.R.No.47977

Crl.O.P. No.17121 of 2016

MG(CO)

CA(12/09/2016)

<https://hcservices.ecourts.gov.in/hcservices/>