

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.20932 of 2016
and
Cr1.MP.No.9694 of 2016

K.Azhagesan .. Petitioner
Vs

1. State Represented by
The Station House Officer
All Women Police Station,
Villianur, Puducherry.
2. Asha Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the P.R.C.No.4/2016, on the file of the Judicial Magistrate-II, Puducherry, and quash the same.

For Petitioner : Mr.R.Thirumoorthy
for Mr.M.Ganansekar

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

O R D E R

When this Court was about to dismiss this petition on merits, the learned counsel for the petitioner sought permission of this Court to withdraw the same and has also made an endorsement to that effect. At this juncture, the learned counsel for the petitioner sought to dispense with the personal appearance of the petitioner before the Judicial Magistrate II, Civil Judge (Junior Division), Pudhucherry. The petitioner is directed to appear before the committal Court and participate in the committal proceedings and thereafter he shall appear before the trial Court and after charges are framed against him, his presence in the trail Court may be dispensed with.

2. In view of the endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn. The 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 petitioner shall file an affidavit of undertaking, before the Trial Court; that he will not dispute his identity; that his counsel will cross-examine the prosecution witnesses on the day they are examined in chief and that he will not adopt dilatory tactics. On such undertaking, the Trial Court shall dispense with the personal appearance of the petitioner. If the petitioner adopts dilatory tactics, the Trial Court can insist on his presence. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

mk

To

1. The Judicial Magistrate II,
Civil Judge (Junior Division), Pudhucherry

2. The Station House Officer
All Women Police Station, Villianur, Puducherry.

3. The Public Prosecutor, High Court, Madras.

1 cc to Mr.M.Gnanasekar, Advocate, sr.52315

Cr1.OP No.20932 of 2016

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kra 29.09.2016

सत्यमेव जयते

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