

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.22332 of 2016

and Crl.MP.NoS.10386 & 10387 of 2016

Ramasamy

Vs

.. Petitioner

State by:

1.The Inspector of Police,
District Crime Branch,
Tirupur District.
(Crime No.407 of 2013)

2.Mathiazagan

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.270 of 2015 on the file of the Judicial Magistrate, Kangeyam, Tirupur District and quash the same.

For Petitioner : Mr.V.Ravichandran

For Respondents : Mr.C.Emalias [for R1]

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.270 of 2015 on the file of the Judicial Magistrate, Kangeyam, Tirupur District

2. Heard the learned counsel appearing for the petitioner 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 petitioner 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, the learned counsel for the petitioner submitted that the petitioner is a practising advocate and therefore his presence before the trial Court may be dispensed with.

5. Accepting his submission, this Court directs the petitioner 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 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 witness 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 any dilatory tactics, the trial Court can insist on his presence.

6. In view of the above, this Criminal Original Petition is dismissed as withdrawn to raise all the points before the Trial Court.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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ds
To:

1.The Judicial Magistrate,
Kangeyam.

2.-do- Thro The Chief Judicial Magistrate
Tiruppur

3.The Inspector of Police,
District Crime Branch,
Tirupur District.

4.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.M.Saravanakumar Advocate sr 56697

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