

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.22964 of 2016

and Crl.M.P.Nos.10802 and 10803 of 2016

V.Ramamoorthy

Petitioner

vs.

T.Balamurugan

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in STC No.195 of 2016 pending trial on the file of the learned Judicial Magistrate No.1, Panruti, Cuddalore District and quash the same.

For petitioner Mr.T.Gopinathan

ORDER

When this Court was about to dismiss the case on merits, the learned counsel for the petitioner 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 In view of the above endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn with liberty to raise all the points before the trial Court.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 petitioner sought permission to dispense with the personal appearance of the petitioner before the trial. The petitioner is directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and on such appearance, he shall be released on bail on the same day u/s 436 Cr.P.C., on he furnishing a bond for Rs.5,000/- [Rupees five thousand only] with two sureties for a like sum and thereafter, his presence before the trial Court shall be dispensed with on condition that he shall be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313, Cr.P.C. and at the time of passing judgment. He 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,

as held by the Supreme Court in Vinod Kumar vs. State of Punjab, [2015 (1) MLJ (Cr1.) 288]. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence and remand him to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If thereafter the petitioner absconds, the trial Court shall direct registration of an FIR against him u/s 229-A IPC.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Judicial Magistrate No.1,
Panruti, Cuddalore District.

2.do thro'The Chief Judicial Magistrate, Cuddalore.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.G.D.Johnson, Advocate,sr.59400.

cp(co)
krd 15/11

Cr1.O.P. No.22964 of 2016

सत्यमेव जयते
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