

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.9765 of 2016
and
CrI.MP.Nos.5091 of 2016

Balu ... Petitioner/Accused 3

Vs.

1. State by
The Inspector of Police,
Tindivanam Police Station,
Tindivanam. ... 1st Respondent/Complainant
2. V.Jothi ... 2nd Respondent/Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to call for the records in C.C.No.57 of 2016, on the file of the Judicial Magistrate No.1, Tindivanam, Villupuram District, and quash the same.

For Petitioner : Mr.Ananthanarayanan,
Senior Counsel
for Mr.S.M.Nandhie Devhan

For Respondent [R1] : Mr.C.Emalias,
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.57 of 2016, on the file of the Judicial Magistrate No.1, Tindivanam, Villupuram 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, Mr. Ananthanarayanan, the learned Senior Counsel appearing for the petitioner submits that the petitioner is an advocate and his presence before the Trial Court may be dispensed with. Accepting his submission, this Court direct 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.

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn to raise all the points before the Trial Court.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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Tindivanam, Villupuram District.

2. The Inspector of Police,
Tindivanam Police Station,
Tindivanam.

3. The Public Prosecutor
High Court, Chennai.

CrI.O.P.No.9765 of 2016

CA(CO)
CA(29/06/2016)