



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.1363 of 2016

and

Crl.M.P.(MD) Nos.692 & 693 of 2016

1.Syed Razeen
2.Rajkumar
3.Rochalle Mervin Andrees
4.Razeena Parveen
5.Thasreef Jaghan ... Petitioners

vs.

1.State through the Inspector of Police
Karur Town Police Station, Karur
(Crime No.92 of 2013)

2.A.S.Nishar Ahamed ... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records and quash the charge sheet in C.C.No.175 of 2015, on the file of the learned Judicial Magistrate No.I, Karur.

For Petitioners : Mr.G.R.Swaminathan
for Mr.S.M.A.Jinnah

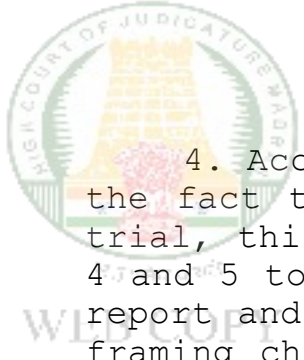
For Respondents : Mrs.S.Prabha, G.A.(Crl.Side) for R1

O R D E R

When this Court was about to dismiss the criminal original petition on merits, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw the same and he has made an endorsement to that effect.

2. In view of the above, this criminal original petition is dismissed as withdrawn, with liberty to the petitioners to raise all the points before the Trial Court. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this Order, provided the petitioners co-operate for conducting trial.

<https://hcservices.courts.gov.in/hcscv/index> At this juncture, learned counsel appearing for the petitioners has submitted that the presence of the petitioners before the Trial Court may be dispensed with.



4. Accepting the submission and also taking into consideration the fact that the petitioners have the fundamental right to fair trial, this Court directs the petitioners 3, 4 and 5 / accused 3, 4 and 5 to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioners 3, 4 and 5 / accused 3, 4 and 5 file an application under Section 317 Cr.P.C., undertaking that they will not dispute their identity and that their counsel will cross-examine the prosecution witnesses in their absence on the day they are examined in chief without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioners 3, 4 and 5 / accused 3, 4 and 5 adopts any dilatory tactics, it is open to the Trial Court to insist upon their presence. If the petitioners 3, 4 and 5 / accused 3, 4 and 5 adopts dilatory tactics, they can be remanded to custody under Section 309 Cr.P.C., as laid down by the Hon'ble Supreme Court in *State of U.P. vs. Shambhu Nath Singh*, reported in 2001 (4) SCC 667. Consequently, connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate No.I, Karur.

2.The Inspector of Police,
Karur Town Police Station, Karur.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SH/AAL-MPA:05.05.2016:2P/4C

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and

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