



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. (MD)No.2001 of 2016

and

CrI.M.P. (MD)Nos.1029 and 1030 of 2016

1.PL.Subbaiah
2.Vijayalakshmi

..Petitioners/Respondents

Vs

Rajaraman

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the complaint in C.C.No.311 of 2015 on the file of the Judicial Magistrate No.III, Trichy and quash the same as illegal.

For Petitioners : Mr.T.Lenin Kumar
For Respondent : Mr.C.Mayil Vahana Rajendran, A.P.P

O R D E R

The learned Counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition and he has also made an endorsement to that effect.

2. In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court. The trial Court is directed to expeditiously conduct the trial. Consequently, the connected Miscellaneous Petitions are also dismissed.

3. At this juncture, learned counsel appearing for the petitioners submits that the presence of the petitioners before the Trial Court may be dispensed with.

4. Accepting the submission, this Court directs the petitioners 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 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 without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioners adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence.



To

1. The Judicial Magistrate Court No.III, Trichy

2. The Additional Public Prosecutor,
Madurai Bench Madras High Court,
Madurai.

+One CC to M/s. J.Lenin Kumar, Advocate in Sr.No.7058

CN/GSV-AN/17.2.2016/2P-4C

CrI.O.P.(MD)No. 2001 of 2016
04.02.2016