



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.2512 of 2016

and

Crl.M.P. (MD) .No.1246 of 2016

S.Kumar

... Petitioner/1st Accused

Vs.

1. State represented by
The Sub Inspector of Police,
District Crime Branch,
Nagercoil.

2. S.Rajesh ... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to quash the charge sheet in C.C.No.129 of 2013 on the file of the learned Judicial Magistrate No.I, Nagercoil as against the petitioner.

For Petitioner : Mr.S.C.Herold Singh

For R1 : Mrs.S.Prabha
Government Advocate (Crl.Side)

O R D E R

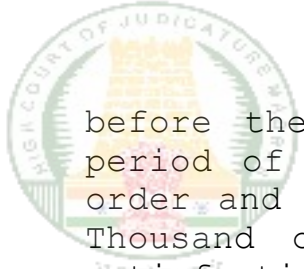
The learned counsel for the petitioner seeks permission of this Court to withdraw this Criminal Original Petition and he has also made an endorsement to that effect.

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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

3. The learned Government Advocate (Crl.side) submitted that the petitioner has been absconding, since the filing of the final report.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Therefore, the petitioner is directed to surrender



before the learned Judicial Magistrate No.I, Nagercoil within a period of two weeks from the date of receipt of a copy of this order and furnishing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil under Section 88 Cr.P.C., as per the decision of the Honourable Supreme Court reported in 2014(5) SCC 590. Thereafter, his presence can be dispensed with on condition that he shall 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 petitioner files an application under Section 317 Cr.P.C., undertaking that he will not dispute his identity and that his counsel will cross-examine the prosecution witnesses in his absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CrI)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.1,
Nagercoil.
2. The Sub Inspector of Police,
District Crime Branch,
Nagercoil.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr. S.C.Herold Singh, Advocate, Sr.No.17096

akv

JM/GSV-PM/13.04.2016/2P-5C

CrI.O.P. (MD) No.2512 of 2016
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