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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.02.2016
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD)No.2597 of 2016
and
Crl.M.P. (MD)Nos.1278 and 1279 of 2016

Muthuramalingam ..Petitioner/A4

Vs

1.The State rep. by
The Inspector of Police,
Tirumangalam Taluk Police Station,
Madurai District
(Crime No.38 of 2013) ... Respondent/Complainant

2.R.Narayanasamy ... Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the Charge sheet in C.C.No.326 of 2015 on the file of the Judicial Magistrate, Tirumangalam and quash the same in respect of the Petitioners as illegal.

For Petitioner :Mr.K.Seemaraj
For R1 :Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

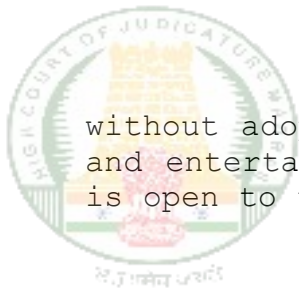
O R D E R

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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

3. At this juncture, learned counsel appearing for the petitioner submits that the petitioner is a practising Advocate of this Court and the presence of the petitioner before the Trial Court may be dispensed with.

4. Accepting the submission, this Court directs the petitioner 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 petitioner file 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 adopt any dilatory tactics, it is open to the Trial Court to insist upon his presence.

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/True copy/

Sd/-

Assistant Registrar(RTI)

Sub Assistant Registrar

To

1.The Judicial Magistrate, Tirumangalam

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

+1cc to M/s.K.Seemaraj, Advocate SR.No.9731

sm:PM-MP:26.2.2016:2P/4c

Cr1.O.P.(MD)No. 2597 of 2016
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