



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. (MD) No.2856 of 2016

and

CrI.M.P. (MD) Nos.1390 & 1391 of 2016

1.Mohan Selvam

2.Murugadas

... Petitioners

vs.

1.State represented by

The Inspector of Police

Ettayapuram Police Station

Kovilpatti

2. Ravichandran

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records pertaining to proceedings in S.T.C.No.1140 of 2015, on the file of the Judicial Magistrate No.II, Kovilpatti, and quash the same insofar as it relates to the petitioners.

For Petitioners: Mr.A.Sivasubramanian

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

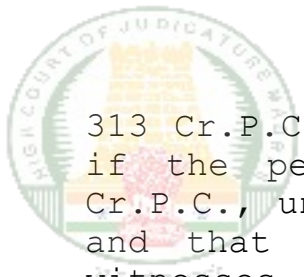
O R D E R

As this Court is about to dismiss this criminal original petition, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw the same 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 In view of the above, this criminal original petition is dismissed as withdrawn, with liberty to raise all the points before the Trial Court.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. 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, 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.

5. Each of the petitioners are further directed to furnish a bond, under Section 88 Cr.P.C., with two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kovilpatti. Consequently, all other connected miscellaneous petitions are closed.

Sd/
Assistant Registrar RTI

/True Copy/

Sub Assistant Registrar

krk

To

1.The Judicial Magistrate No.II,
Kovilpatti.

2.The Inspector of Police,
Ettayapuram Police Station,
Kovilpatti.

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

+1CC to M/s.A.Sivasubramaniam, Advocate in SR.No.9517

Cn/MPA/26.2.2016/5c-2p

Crl.O.P.(MD) No.2856 of 2016
and
Crl.M.P.(MD) Nos.1390 &1391 of 2016

17.02.2016