



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.2866 of 2016

and

Crl.M.P. (MD) Nos.1399 & 1400 of 2016

Paulraj ... Petitioner /Accused 1
/Accused 1
vs.

1. State rep.by its
Sub Inspector of Police
Kayathar Police Station
Tuticorin District
(In Crime No.98 of 2015) ... Respondents/Complainant
/Complainant

2. K.Murugaiah
Sub-Inspector of Police
Kayathar Police Station
Tuticorin District
... 2nd Respondents/Defacto Complainant
/Defacto Complainant

PRAYER: This petition is filed under Section 482 Cr.P.C., to call for the records in pursuant to the charge sheet, in C.C.No.559 of 2015, on the file of the Judicial Magistrate No.II, Kovilpatti, dated 28.12.2015, and quash the same against the petitioner.

For Petitioner : Mr.S.Gokulraj
For Respondents: Mrs.S.Prabha, G.A.(Crl.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 petitioner 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 In view of the above, this criminal original petition is dismissed as withdrawn, with liberty to raise all the points before the Trial Court.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 petitioner has submitted that 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 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.

5. The petitioner is 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 Sub Inspector of Police,
Kayathar Police Station,
Tuticorin District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Gokulraj, Advocate in Sr.No.9537

Cn/MPA/26.2.2016/5c-2p

Cr1.O.P. (MD) No.2866 of 2016

and

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