



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD)No.3020 4of 2016

Joy Basker

... Petitioner

Vs.

T.Geetha Robinson

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in S.T.C.No.398 of 2015 on the file of the learned Judicial Magistrate No.II, Nagercoil and to quash the same as illegal.

For Petitioner : Mr.S.C.Herold Singh

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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. However, the learned counsel for the petitioner submitted that the petitioner is a practicing lawyer and therefore, he is finding little embrace to appear before the trial Court.

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 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 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.II, Nagercoil under section 88 Cr.P.C., as per the decision of the Honourable Supreme Court reported in 2014(5) SCC 590, within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

akv
To

The Judicial Magistrate No.II,
Nagercoil.

+1 cc to M/S.S.C.HEROLD SINGH, Advocate, SR No. 16590

RG.SK-SKN/SAR-I 11/04/2016 2P/3C

Cr1.O.P. (MD) No.3020 of 2016
23.03.2016