



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2016

CORAM

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.3706 of 2016

and

Crl.M.P. (MD) Nos.1869 and 1870 of 2016

1. Viswanathan
2. Lakshmanan
3. Vijay

.. Petitioners/Accused 1 to 3

Vs

1. The Inspector of Police,
Nerkuppai Police Station,
Nerkuppai, Sivagangai District
in Crime No.52/2014

.. Respondent/complainant

2. Ramarathinam
No.9/9B LF Main Road
Nerkuppai, Thiruppathur Taluk
Sivagangai District

.. Respondent/
de-facto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the proceedings made in the charge sheet in C.C.No.177 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Thiruppathur, and quash the same.

For Petitioners : Mr.V.Kannan

For Respondent : Mr.K.V.Rajarajan

Government Advocate (Crl. Side) for R1

O R D E R

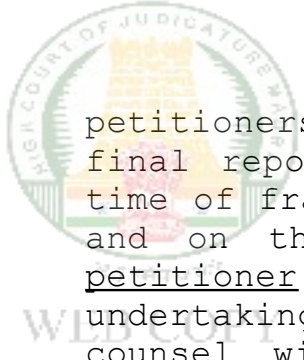
When this Court is about to dismiss the application, the learned Counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition and he has also made an endorsement to that effect.

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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

3. At this juncture, learned counsel appearing for the petitioners submits that the presence of the petitioners before the trial Court may be dispensed with.

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

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 3rd 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 their absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the 3rd petitioner adopt any dilatory tactics, it is open to the Trial Court to insist upon his presence.

Sd/
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Thiruppathur
2. The Inspector of Police,
Nerkuppai Police Station,
Nerkuppai, Sivagangai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.V.Kannan, Advocate SR.No.12352
CN/SKN-SK/18.03.2016/2P-4C

**Crl.O.P. (MD) No. 3706 of 2016
and
Crl.M.P. (MD) Nos.1869 and 1870 of 2016**