

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 03.03.2016****CORAM****THE HONOURABLE MR. JUSTICE P.N. PRAKASH****Crl.O.P. (MD) No.3778 of 2016****and****Crl.M.P. (MD) Nos.1908 and 1909 of 2016**

WEB COPY

1. Selva Ganesan

2. Hasan Travels

Through its Proprietor Selva Ganesan
3 Dhasaradhapuram Main Road,
Saligramam, Chennai.

..Petitioners/ Accused 1 & 2

Vs

M.Gandhi

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to complaint filed by the respondent before the learned Fast Track Court, (Magistrate Level), Tuticorin as C.C.No.212 of 2015 and quash the same as against this petitioner.

For Petitioners

: Mr.B.Rajesh Saravanan

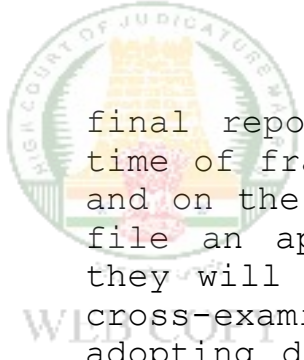
O R D E R

When this Court is about to dismiss the application on merits, 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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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 accused are in Chennai and the case has been filed before the Tuticorin and hence, he seeks 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. The petitioners shall appear before the trial Court and furnish a bond under Section 88 Cr.P.C. with two sureties to the satisfaction of the learned Magistrate.

Sd/
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To
The Fast Track Court, (Magistrate Level),
Tuticorin.

+One CC to B.Rajesh Saravanan, Advocate in Sr.No.12359

CN/SKN-SK/21.03.2016/2P-3C

Cr1.O.P.(MD)No. 3778 of 2016