



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.O.P. (MD)No.4266 of 2016

and

CrI.M.P. (MD) .Nos.2144 and 2145 of 2016

Niranjana

..Petitioner

Vs.

1. The State represented by
the Inspector of Police,
Sankarankovil Town Police Station,
Tirunelveli District.
(Crime No.153 of 2015)

2. V.M.Rajalakshmi

..Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in P.R.C.No.16 of 2015 on the file of the learned Judicial Magistrate, Sankarankovil and quash the same insofar as the petitioner's concerned.

For Petitioner : Mr.A.Uthayakumar
For R1 : Mrs.S.Prabha
Government Advocate (CrI.Side)

O R D E R

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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

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

4. Since committal proceedings are pending, it is not desirable to dispense with the presence of the petitioner. However, after the case is committed to the Court of Sessions and after framing of charges, the presence of the petitioner should be dispensed with on condition that the petitioner shall 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 adopt any dilatory tactics, it is open to the Trial Court to insist upon his presence.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate,
Sankarankovil.
2. The Inspector of Police,
Sankarankovil Town Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.A.Uthayakumar, Advocate in SR.16870

Cr1.O.P. (MD) No.4266 of 2016
23.03.2016

akv

PBK/NGM-SS 13/04/2016 ::2P-5C::