



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No. 4752 of 2016

and

Crl.M.P. (MD) Nos. 2365 and 2366 of 2016

1. Jegan

2. Inatchimuthu

3. Santhi

.. Petitioners/Accused 1 to 3

Vs

1. State represented by

The Sub Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.

In Crime No. 715 of 2015

.. 1st Respondent/Complainant

2. Umarani

.. 2nd Respondent/Defacto
Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records C.C.No.9 of 2016 on the file of the Judicial Magistrate Court NO.II, Kovilpatti and quash the same as illegal, motivated and violation of law.

For Petitioners

: Mr. G. Marimuthu

For Respondents

: Mrs. S. Prabha

Government Advocate (Crl. Side)

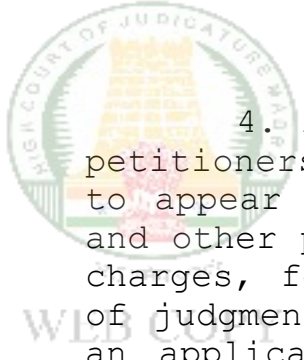
for R.1

ORDER

When this Court is not inclined to grant the relief as sought for by the petitioners, 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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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 expeditiously conduct the trial. 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.



4. Accepting the submission and considering the age of the petitioners 2 and 3, this Court directs the petitioners 2 and 3 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 2 and 3 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 2 and 3 adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence.

Sd/
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Sub Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
2. The Judicial Magistrate NO.II, Kovilpatti.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.G.Marimuthu, Advocate SR.No. 15651

CN/NGM-SS/28.03.2016/2P-5C

Cr1.O.P. (MD) No.4752 of 2016
and
Cr1.M.P. (MD) Nos.2365 and 2366 of 2016

18.03.2016