



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. (MD)No.5857 of 2016

and

Cr1.M.P. (MD)Nos.2898 and 2899 of 2016

Kunjararaj

..Petitioner/Sole Accused

Vs

1.The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.

.. Respondent/Complainant

2.Ammachi

.. Respondent/Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for records in connection with C.C.NO.248 of 2015 on the file of the Judicial Magistrate Court No.II, Nagercoil, Kanyakumari District and quash the petitioner concern.

For Petitioner

:Mr.N.S.Ramakrishna Dass

For Respondents

:Mrs.S.Prabha

Government Advocate (Cr1.Side)
for R.1

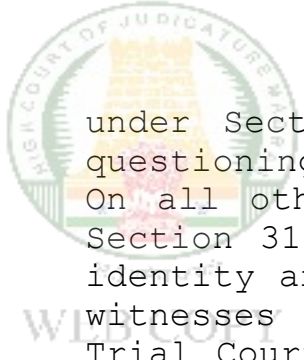
ORDER

When this Court is not inclined to grant the relief as sought for by the petitioner, 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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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. Accepting the submission and considering the age of the petitioner, 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 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 petitioner adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence.

5. The trial Court is directed to complete the trial within a period of eight months from the date of receipt of a copy of this order, provided the petitioner/accused co-operates in the trial by engaging a Counsel and cross-examine the prosecution witnesses as and when they are examined in chief as held by the Honourable Supreme Court in **Vinod Kumar Vs. State of Punjab**, reported in **2015(1) MLJ 288(SC)**. If the petitioner adopts any dilatory tactics, it is open to the trial Court to remand him to custody as per Section 309 Cr.P.C. and also as per the the decision laid down by the Honourable Supreme Court in **State of U.P. Vs. Sambhunath Singh** reported in **2001(4) SCC 667**.

Sd/-

Assistant Registrar(P&A)

/True copy/

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

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To

- 1.The Judicial Magistrate No.II, Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.N.S.Ramakrishna Dass, Advocate, SR No.19399

RG.JGB-DP/ 13.04.2016 2P.5C

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