



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.5961 of 2016

and

Crl.M.P. (MD) .Nos.2940 and 2941 of 2016

P.Rajeshkanna

... Petitioner

Vs.

Ramaiah

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the impugned private complaint in S.C.No.398 of 2015 on the file of the learned IV-Additional District Sessions Judge, Madurai and to quash the same as illegal.

For Petitioner

: Mr.N.Satheeshkumar

O R D E R

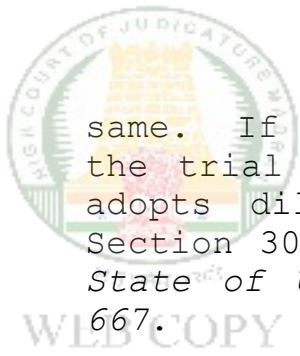
This Criminal Original Petition has been filed to call for the records relating to S.C.No.398 of 2015 on the file of the learned IV-Additional District Sessions Judge, Madurai.

2. As this Court is about to dismiss this criminal original petition, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the same and he has also made an endorsement to that effect.

3. In view of the above, this criminal original petition is dismissed as withdrawn with liberty to raise all the points before the trial Court. Consequently, the connected Miscellaneous Petitions are closed.

4. At this juncture, the learned counsel appearing for the petitioner has submitted that the presence of the petitioner before the trial Court may be dispensed with.

5. Accepting the submission, 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 he will <https://hcservices.cloud.gov.in/hcservices/> 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. If the petitioner adopts dilatory tactics, he can be remanded to custody under Section 309 Cr.P.C., as laid down by the Hon'ble Supreme Court in *State of U.P. vs. Shambhu Nath Singh*, reported in 2001 (4) SCC 667.

Sd/-
Assisat Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Ivth Additional District Sessions Judge, Madurai.

+One cc to Mr.N.Satheesh Kumar, Advocate, SR.No.22420

PJL

RL/3C/2P/JGB/DP/5/5/2016

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