



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.6229 of 2016

and

Crl.M.P. (MD) .No.3107 of 2016

K.Annadurai

... Petitioner/Accused No.1

Vs.

1. The State represented by
the Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.
(Crime No.110 of 2012).

2. K.Radhakrishnan
Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

... Respondents/Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the case in C.C.No.159 of 2013 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli and quash the same.

For Petitioner : Mr.R.Anand

For Respondents : Mrs.S.Prabha

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to call for the records pertaining to the case in C.C.No.159 of 2013 on the file of the learned Judicial Magistrate, Nanguneri, Tirunelveli and quash the same.

2. As this Court is about to dismiss these 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 In view of the above, the criminal original petition is dismissed as withdrawn with liberty to raise all the points before the trial Court. Consequently, the connected Miscellaneous



Petition is 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.

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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 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 adopts any dilatory tactics, it is open to the trial Court to insist upon his presence.

6. Since the case is of the year 2012, this Court directs the learned Judicial Magistrate, Nanguneri, Tirunelveli District to complete the trial in C.C.No.159 of 2013 within a period of three months from the date of receipt of a copy of this order, provided the petitioner/accused co-operate in the trial by engaging a counsel and cross-examine the prosecution witnesses as and when he is examined in chief as held by the Honourable Supreme Court in **Vinod Kumar vs. State of Punjab** reported in **2015 (1) MLJ 288 (SC)**.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

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

Akv

CSL/GSV-PM/28.04.2016 : 2P/4C

Cr1.O.P. (MD) No. 6229 of 2016

13.04.2016