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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.6483 of 2016

and

Crl.M.P. (MD) .Nos.3234 and 3235 of 2016

1. R.K.Kalidoss
2. S.Rajasekara Pandiyan

... Petitioners

Vs.

1. State represented by
the Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.
2. Mr.L.Samuel Rajaiah,
Sub-Inspector of Police,
Pavoorchatram Police Station,
Tirunelveli District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records pertaining to the case in P.R.C.No.60 of 2015 on the file of the learned Judicial Magistrate, Tenkasi and quash the same as illegal and unlawful insofar as the petitioners are concerned.

For Petitioners	:	Mr.S.Balamurugan
For R1	:	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 P.R.C.No.60 of 2015 on the file of the learned Judicial Magistrate, Tenkasi and quash the same as illegal and unlawful insofar as the petitioners are concerned.

2. When this Court was about to dismiss this criminal original petition on merits, the learned counsel appearing for the petitioners 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 In view of the above, this criminal original petition is withdrawn with liberty to raise all the points before the trial Court. The trial Court is directed to expeditiously conduct the trial.



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

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5. Accepting the submission, this Court directs the petitioners 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 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 adopt any dilatory tactics, it is open to the trial Court to insist upon their presence. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

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

+One cc ot Mr.S.Balamurugan, Advocate, SR.No.21568
akv
RL/5C/2P/GSV/PM/28/4/2016

Cr1.O.P.(MD)No.6483 of 2016