



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.6917 of 2016

and

Crl.M.P. (MD) Nos.3480 and 3481 of 2016

1.P.Thambidurai

2.Muthu @ Muneeswaran

3.Senthilkumar

4.Chithiraivel

..Petitioners/
Accused 1 to 4

Vs

1.State represented by
Inspector of Police,
Murappanadu Police Station,
Tuticorin District,
in Crime No.185/2015

.. Respondent/complainant

2.Chellappan

.. Respondent/
de-facto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in pursuant to the charge sheet in C.C.No.537 of 2015 on the file of the Judicial Magistrate, Srivaikundam, dated 06.11.2015.

For Petitioners : Mr.S.Gokulraj
For Respondent : Mrs.S.Prabha

Government Advocate (Crl. Side) for R1

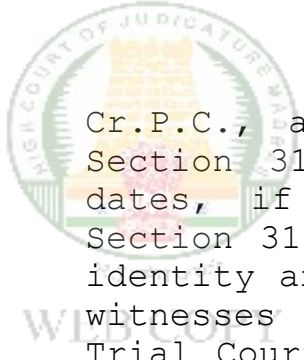
O R D E R

When this Court is about to dismiss the application, 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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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 conduct the trial expeditiously. 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.

<https://hcservices.ecourts.gov.in/h2services/> Accepting the submission, this Court directs the petitioners 1 and 4 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 1 and 4 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 and remand them to custody as directed by the Supreme Court in *State of U.P. vs. Shambunath Singh* reported in 2001 (4) SCC 667.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

- 1.The Judicial Magistrate, Srivaikundam
- 2.The Inspector of Police,
Murappanadu Police Station,
Tuticorin District,
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.S.Gokulraj, Advocate, SR.No.23789

RR
RL/5C/2P/AN/MP/6/5/2016

Cr1.O.P.(MD)No. 6917 of 2016
25/04/2016