



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. (MD)No.7230 of 2016

and

Crl.M.P. (MD)Nos.3654 and 3655 of 2016

- 1.Chinnaraj
- 2.Bhaskaran
- 3.Karuppan
- 4.Dhanapal
- 5.Subbiah

..Petitioners/Accused 1 to 5

Vs.

- 1.State represented by
Inspector of Police,
Vadamadurai Police Station,
Dindigul District
in Crime No.200/2011

..Respondent/complainant

- 2.A.Chandrasekar

..Respondent/De-facto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to quash the charge sheet in C.C.No.197 of 2011 on the file of the District Munsif cum Judicial Magistrate Court, Vendasandur, in Crime No.200 of 2011 on the file of the Inspector of Police, Vadamadurai police Station, Dindigul District.

For Petitioners : Mr.P.Yasmin Begum

For Respondent : Mrs.S.Prabha

Government Advocate (Crl. Side) for R1

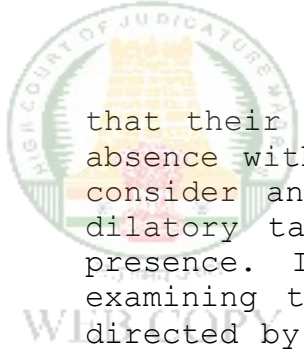
O R D E R

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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 and complete the same within a period of six months from the date of receipt of a copy of this order. 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.

4. 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 3 and 5 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 3 and 5 adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence. If the accused did not cooperate with the trial by cross examining the witnesses on the date of their examination in chief, as directed by the Supreme Court in *Vinod Kumar v. State of Punjab* reported in (2015) 3 SCC 220, it is open to the Judicial Magistrate, to remand the accused under custody under Section 309 Cr.P.C. as held by the Supreme Court in *State of Uttar Pradesh v. Sambunath Singh* reported in *JT (2001) (4) SCC 319*.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)

To

1.The District Munsif cum Judicial Magistrate Court,
Vedasandur.

2.The Inspector of Police, Vadamadurai Police Station,
Dindigul District

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.P.Yasmin Begum, Advocate in SR.25014

Cr1.O.P. (MD)No.7230 of 2016
27.04.2016

rr.

PBK/SS 12/05/2016 ::2P-5C::