



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P. (MD) No.7518 of 2016

and

Crl.M.P. (MD) Nos.3798 and 3799 of 2016

1.M.S.Sivanatham
2.Sivakumar
3.Sindhu
4.Murugan Asari
5.Saraswathi
6.Sivaraj

..Petitioners/Accused 1 to 6

Vs

1.The Inspector of Police,
All Woman Police Station,
Thiruchendur.
In Crime No.9 of 2015

.. 1st Respondent/Complainant

2.Subbu Lakshmi

.. 2nd Respondent/
Defacto Complainant

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for records relating to proceedings in C.C.No.395 of 2015 on the file of the learned Judicial Magistrate, Sathankulam and quash the same.

For Petitioners

: Mr.K.P.Narayanakumar

For R - 1

: Mrs.S.Prabha

Government Advocate (Crl.Side)

O R D E R

When this Court was about to dismiss the case on merits, the learned counsel appearing for the petitioners sought 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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the Trial Court.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 expeditiously conduct the trial. 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 and considering the age of the petitioners 2 to 6, this Court directs the petitioners 2 to 6 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 2 to 6 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 2 to 6 adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

ps

To

1.The Inspector of Police,
All Women Police Station,
Thiruchendur.

2.The Judicial Magistrate,
Sathankulam.

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

+1CC to Mr.K.P.Narayana Kumar Advocate Sr.No.25412

GJM/17.05.2016-2p-5c

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