



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P. (MD) No.2509 of 2017

and

Crl.M.P. (MD) Nos.1948 and 1949 of 2017

K.Ramalingam : Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

(Crime No.377 of 2015).

:1st Respondent/Complainant

2.K.Kumar

: 2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to C.C.No.132 of 2015 on the file of the District Munsif -cum- Judicial Magistrate, Orathanadu and quash the same.

For Petitioner : Mr.V.Sasi Kumar

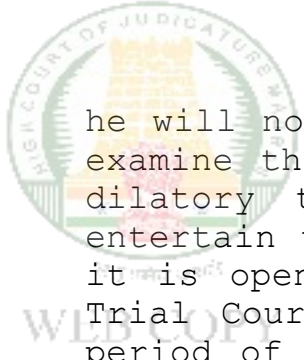
For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

O R D E R

Since there are *prima facie* materials for the trial to proceed, this Court is of the view that this is not a fit case to quash the prosecution as such. Hence, this petition stands dismissed.

2. At this juncture, learned counsel appearing for the petitioner submits that the presence of the petitioner before the Trial Court may be dispensed with.

3. 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. The Trial Court is further directed to complete the trial, within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Munsif -cum- Judicial Magistrate,
Orathanadu.

2.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

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

+1CC to Mr.V.Sasikumar, Advocate Sr.No.13103

GJM/PM/PN/20.3.17-2p-5C

Order made in
Crl.O.P. (MD) No.2509 of 2017
Dated: 08.03.2017