



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.2913 of 2017

and

Crl.M.P.(MD)Nos.2221 and 2222 of 2017

C.Jegan

: Petitioner

Vs.

T.C.Amarnath

: Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records in connection with the impugned private complaint in S.T.C.No.425 of 2015, pending on the file of the learned Judicial Magistrate No.2 (Fast Track Court at Magistrate Level), Nagercoil and quash the same.

For Petitioner : Mr.N.Sathish Babu

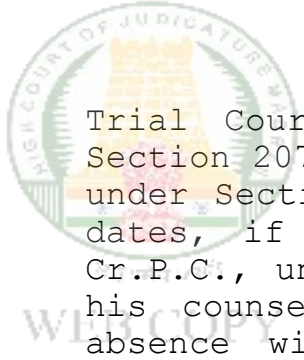
O R D E R

When this Court was about to dismiss this petition on merits, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition with liberty to raise all the points before the Trial Court and he has also made an endorsement to that effect.

2. Permission is granted. This Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court.

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

4. Accepting the submission, this Court directs the petitioner to appear before the Trial Court, within a period of two weeks from the date of receipt of a copy of this order and furnish a bond under Section 88 Cr.P.C. with two sureties for Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Judicial Magistrate No.2 (Fast Track Court at Magistrate Level), Nagercoil. Thereafter, the petitioner is permitted to engage a counsel on special vakalat. The petitioner shall appear before the



Trial Court for receiving the complaint 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. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.2
(Fast Track Court at Magistrate Level),
Nagercoil.

+ 1 CC TO Mr.N.SATHISH BABU, ADVOCATE IN SR No. 15755

SML

TE/SKN-RSK : 28/03/2017 : 2P/3C

Order made in
Crl.O.P.(MD)No.2913 of 2017 and
Crl.M.P.(MD)Nos.2221 and 2222 of 2017
Dated: 16.03.2017