



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.3128 of 2017
and
Crl.M.P.(MD)No.2372 of 2017

1.Sakthivel
2.Pappammal

: Petitioners/Accused No.2,3

Vs.

1. The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.

2. Kathirkamasundari

: Respondents/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records and quash the proceedings in C.C.No.317 of 2015 on the file of the Judicial Magistrate Court, Cheranmahadevi.

For Petitioners : Mr.K.Sureshkumar
For Respondent No.1 : Mr.A.P.Balasubramani,
Government Advocate (Crl.side)

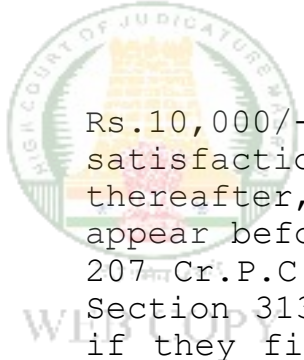
O R D E R

When this Court was about to dismiss this petition on merits, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

2. Permission is granted. This Criminal Original Petition is dismissed as withdrawn.

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 and on their appearance, they shall be released on bail under Section 436 of the Code of Criminal Procedure on their executing a bond for a sum of



Rs.10,000/- (Rupees Ten Thousand only) **each** without sureties to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi and, thereafter, they shall engage a counsel on special vakalat and appear before the Trial Court for receiving the 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 they 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 they adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate Court,
Cheranmahadevi.
2. The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.SURESH KUMAR, ADVOCATE IN SR No. 16145

SML

TE/SKN-RSK : 28/03/2017 : 2P/5C

Order made in
Crl.O.P.(MD)No.3128 of 2017 and
Crl.M.P.(MD)No.2372 of 2017
Dated: 20.03.2017