

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 08.06.2017****CORAM:**

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**Cr1.O.P. (MD) No.5395 of 2017****and****CRL.M.P. (MD) Nos.3805 and 3806 of 2017**

S.P.Tamilan

: Petitioner/Accused

Vs.

The State rep.

through its Agricultural Officer,

Office of the Assistant Director of Agriculture,

T.Vadipatti,

Madurai District.

: Respondent/Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records relating to the impugned private complaint in C.C.No.43/2016 on the file of the learned Judicial Magistrate No.3 (CCIW), Madurai and quash the same.

For Petitioner : Mr.C.Jeganathan

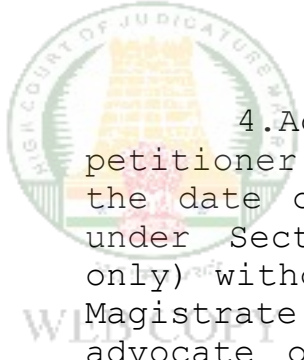
For Respondent : Mr.K.Anbarasan
Government Advocate (Cr1. Side)

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 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 This Criminal Original Petition is dismissed as withdrawn with liberty to raise all the points before the trial Court. Consequently, connected Miscellaneous Petition are closed.

3.At this juncture, the 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 two weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C. for Rs.10,000/- (Rupees Ten Thousand only) without sureties to the satisfaction of the learned Judicial Magistrate No.3 (CCIW), Madurai. Thereafter, he shall engage an advocate on special vakalat before the Trial Court and give an undertaking that he will not dispute his identity and his counsel will cross-examine the witnesses on the day when they are examined in chief without seeking any unnecessary adjournments. The petitioner shall appear before the trial Court for questioning under Section 313 Cr.P.C. and on the date of judgment. On specifying the above conditions, the presence of the petitioner shall be dispensed with except for the two hearings stated above. If the counsel for the accused adopts dilatory tactics, the trial Court can insist upon the presence of the accused.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.3 (CCIW),
Madurai.

+1 cc to Mr. Veera Associates, Advocate in SR.No. 59329

SJ

VB/KKR/SAR4/13.06.2017/2P/3C

**Order made in
Crl.O.P. (MD) No.5395 of 2017
and
CRL.M.P. (MD) Nos.3805 and 3806 of 2017
08.06.2017**