



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.5459 of 2017

and

Crl.M.P. (MD) Nos.3849 and 3850 of 2017

D.Ponbaranitharan

: Petitioner

-Vs-

1. State through the Inspector of Police,
Veeracholan Police Station,
in Crime No.42 of 2015,
Virudhunagar District.

2. Ramesh

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records in C.C.No.365 of 2016 pending before the learned Judicial Magistrate, Aruppukottai and to quash the same insofar as the petitioner/Accused No.6 is concerned.

For Petitioner	: Mr.R.Rajamohan
For Respondent No.1	: Mr.K.Anbarasan, Government Advocate (Crl.side)
For Respondent No.2	: Mr.V.Thirumal

ORDER

Mr.Nithi Kumar, Inspector of Police, Narikudi Circle, is present.

2. Mr.V.Thirumal, learned counsel, entered appearance for the second respondent/defacto complainant.

3. When this Court was about to dismiss the petition on merits, the learned Counsel appearing for the petitioner sought permission of this Court to withdraw this Criminal Original Petition and he has also made an endorsement to that effect.

4. 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 This Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to raise all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. Consequently, the connected Miscellaneous Petitions are closed.

5. At this juncture, the learned counsel appearing for the petitioner sought leave of this Court to dispense with the personal appearance of the petitioner before the Trial Court.

6. Since the petitioner is a Sub-Registrar, 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 on the day they are examined in chief 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.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Aruppukottai.
2. The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.V.Thirumal, Advocate Sr.No.59930

+1cc to Mr.R.Rajamohan, Advocate Sr.No.59715

SML

VB/MR/SAR3/20.06.2017/2P/7C