



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 05.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No. 5467 of 2017

and

Crl.M.P. (MD) Nos. 3858 and 3859 of 2017

Fr. George Ponnaiah

: Petitioner/Accused No.1

-Vs-

1. The State Rep. by,
Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari.
(Crime No.357 of 2013).

2. M. Jose

: Respondent/ Complainant and
Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to quash the charge sheet in C.C.No.122 of 2016 on the file of the learned Judicial Magistrate No.2, Nagercoil as against this petitioner.

For Petitioner : Mr.R.Manimaran

For Respondent No.1 : Mr.T.Mohan,

Additional Public Prosecutor

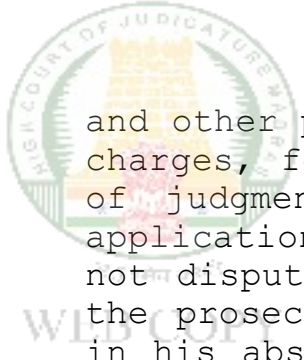
O R D E R

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.

2. In view of the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court. Consequently, the connected Miscellaneous Petitions are closed.

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, as he is a Parish Priest.

4. 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 (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.2,
Nagercoil.
2. The Chief Judicial Magistrate,
Kanyakumari at Nagercoil.
3. The Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.DILIPKUMAR, Advocate, SR No. 58710.

SML

PSM/KKR/SAR4/12.06.2017/2P/6C

Order made in
CRL.O.P. (MD) No.5467 of 2017

Dated: 05.06.2017