



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2017

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CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.5473 of 2017

and

Crl.M.P. (MD) Nos.3868 and 3869 of 2017

1.M.Ramaiya
2.A.Ganesan
3.R.Samuthirakani
4.C.Solai Rajan
5.P.Mariappan
6.C.Thangasamy : Petitioners/Accused 1 to 6

-Vs-

1. State: rep. by
Inspector of Police,
Sivagiri Police Station,
Sivagiri Taluk,
Tirunelveli District.
(Crime No.216 of 2015). : 1st Respondent/Complainant

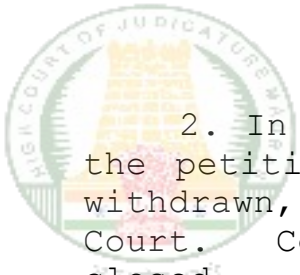
2.G.Seenivasan : 2nd Respondents/Defacto -
Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to the charge sheet in C.C.No.45 of 2016 on the file of the learned District Munsif -cum- Judicial Magistrate, Sivagiri, Tirunelveli District, and quash the same insofar as petitioners are concerned.

For Petitioners : Mr.S.Lakshmikanth
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 petitioners 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of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn, with liberty to raise all the points before the trial Court.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.

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3. However, taking into consideration the age of Solai Rajan (A-4) and Thangasamy (A-6), their presence before the Trial Court is dispensed with on condition that they shall 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 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 on the day they are examined in chief 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. Since this is the case in counter, the Trial Court is directed to proceed with the case as expeditiously as possible.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif -cum- Judicial Magistrate,
Sivagiri, Tirunelveli District.
2. The Inspector of Police,
Sivagiri Police Station,
Sivagiri Taluk,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.B.Baskar, Advocate Sr.No.58466

sml

vb/mr/sar4/09.06.2017/2p/5c

Order made in
CRL.O.P. (MD) No.5473 of 2017
Dated: 05.06.2017