



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

Crl.O.P. (MD) No.6846 of 2017  
and CRL.M.P. (MD) Nos.4585 and 4586 of 2017

G.Tamil Selvan : Petitioner/Accused No.4

Vs.

1.State rep. by  
The Inspector of Police,  
District Crime Branch,  
Ramanathapuram.

In Crime No.7 of 2008.

: 1<sup>st</sup> Respondent/Complainant

2.Mohammed Ismail Sahib

: 2<sup>nd</sup> Respondent/Defacto

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 Charge Sheet in C.C.No.97/2013 pending on the file of the Learned Judicial Magistrate No.II, Ramanathapuram and to quash the same as illegal, improper and arbitrary as against this petitioner.

For Petitioner : Mr.R.Murugan

For 1<sup>st</sup> Respondent : Mr.K.Anbarasan  
Government Advocate (Crl. Side)  
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## 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 This Criminal Original Petition is dismissed as withdrawn with liberty to raise all the points before the trial Court.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 Petitions 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 at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day



of judgment. On all other dates, his personal appearance before the Trial Court is dispensed with on condition that he 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. As and when his presence is necessary, the Trial Court shall issue notice to him through his counsel on record for his appearance. If the counsel for the accused adopts dilatory tactics, the trial Court can insist upon the presence of the accused.

SD /-  
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1.The Inspector of Police,  
District Crime Branch,  
Ramanathapuram.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC TO MR.R.MURUGAN, ADVOCATE, SR NO.59144

sj  
MAS/JC/SAR2:14.06.2017:2P-4C

Order made in  
Crl.O.P.(MD)No.6846 of 2017  
and CRL.M.P.(MD) Nos.4585 and 4586 of 2017  
08.06.2017