



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.6849 of 2017

and

Crl.M.P. (MD) Nos.4594 and 4595 of 2017

1.Balsubramaniyan
2.Pandi @ Ice Pandi
3.Pandiyammal

: Petitioners/ Accused 1 to 3

-Vs-

1. The State Rep. by
Sub-Inspector of Police,
Sarttur Town Police Station,
Virudhunagar District.

2.M.Murugesan

: Respondents/ Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records in pertaining to charge sheet in C.C.No.422 of 2014 on the file of the learned Magistrate Court No.II, Sattur and quash the same.

For Petitioners : Mr.M.Solaisamy

For Respondent No.1 : Mr.K.Anbarasan,
Government Advocate (Crl.side)

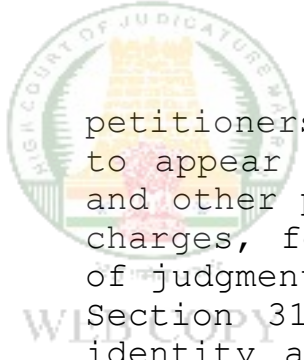
O R D E R

When this Court was about to dismiss this petition on merits, the learned counsel for the petitioners sought 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 This Criminal Original Petition is dismissed as withdrawn. Consequently, the connected miscellaneous petitions are closed.

3. At this juncture, learned counsel appearing for the petitioners submits that the presence of the petitioners before the Trial Court may be dispensed with.

4. It is seen that the third petitioner-Pandiyammal is a lady and hence, accepting the submission of the learned counsel for the



petitioners, this Court directs the third petitioner-Pandiyammal 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 she files an application under Section 317 Cr.P.C., undertaking that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses on the day they are examined in chief, as held by the Hon'ble Supreme Court in **Vinod Kumar vs. State of Punjab** reported in **2015 (1) Scale 542**, in her absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If she adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Magistrate Court No.II,
Sattur.
2. The Sub-Inspector of Police,
Sarttur Town Police Station,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.Solaisamy, Advocate Sr.No.59541

SML

VB/KKR/SAR4/16.06.2017/2P/5C

Order made in
CRL.O.P. (MD) No.6849 of 2017
Dated:08.06.2017