



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD) No.7636 of 2017

and

Cr1.MP(MD)No.5219 & 5220 of 2017

R.Sureshkumar

... Petitioner/A2

-vs-

1. State rep. by
The Inspector of Police
EOW II, Madurai District
Crime No.1 of 2012

2. T.Subbaiah

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the chargesheet in C.C.No.32 of 2013 pending on the file of the Special Court under TNPID (in F Es) Act 1997 at Madurai and quash the same as against the petitioner.

For Petitioner : Mr.C.Jeyaprakash
For Respondents : Mr.K.Anbarasan
Govt. Advocate (Cr1.Side)

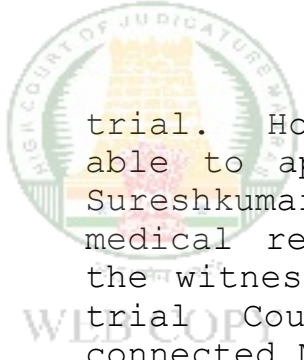
O R D E R

When this Court is about to dismiss the criminal original petition on merits, the learned counsel for the petitioner seeks permission of this Court to withdraw the petition. He has also made an endorsement to that effect.

2. Accordingly, this criminal original petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court.

3. The learned counsel for the petitioner submitted that Sureshkumar (A2) is suffering from diabetes and that he has to undergo a surgery and therefore, his presence may be dispensed with before the trial Court.

4. In the considered opinion of this Court, since Sureshkumar was the Managing Director of A1 Company, his presence before the trial Court for all the hearings cannot be dispensed with, because A1 company has to be represented by some one during



trial. However, on individual dates, where he is physically not able to appear on account of his surgery, liberty is given to Sureshkumar to file an application under Section 317 Cr.P.C. with medical records undertaking that his counsel will cross examine the witnesses and that he shall not dispute his identity and the trial Court may liberally consider the same. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The Special Court under TNPID Act,
Madurai.
 2. The Inspector of Police
EOW II Madurai District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.MUTHUKUMAR, Advocate, SR No. 61755.

RR

PSM/KP/SAR2/10.07.2017/2P/5C

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