



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.03.2017
CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

WEB COPY

Crl.O.P.(MD)No.23862 of 2016
and
Crl.M.P.(MD)Nos.12623 and 12624 of 2016

1.Gopi @ Gopinathan
2.Palkannan
3.Nageswaran
4.Thangamuthu
5.Senthil
6.Sekar
7.Manoharan

: Petitioners

Vs.

1.The State rep. by its
Inspector of Police,
Odaipatti Police Station,
Theni District.
(Crime No.21 of 2014).
2.M.Kanagaraj

: Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to call for the records in S.C.No.121 of 2015 on the file of the Subordinate Court, Uthamapalayam and quash the same.

For Petitioners : Mr.S.Muniyandi,
For Mr.R.Manoharan
For Respondent No.1: Mr.A.P.Balasubramani,
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 seeks permission of this Court to withdraw this petition with liberty to raise all the points before the Trial Court 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 This Criminal Original Petition is dismissed as withdrawn with liberty to the petitioners to raise all the points before the Trial Court.

3. At this juncture, the learned counsel appearing for the petitioners sought leave of this Court to dispense with the personal appearance of the accused before the Trial Court.



4. Taking into consideration the age of Manoharan (A-7), Thangamuthu (A-4) and Nageswaran (A-3), their presence before the Trial Court is dispensed with and they shall appear before the Trial Court for collecting the 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 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. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The Subordinate Judge,
Uthamapalayam.
2. The Inspector of Police,
Odaipatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr. R. Manoharan, Advocate, SR.No.14883

SML
RL/5C/2P/SKN/RSK/23.3.2017

Order made in
CrI.O.P. (MD) No. 23862 of 2016