

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.18940 of 2018

and

Crl.MP.Nos.9991 & 9992 of 2018

Nagarajan

.. Petitioner

Vs

1.The State Rep. by
The Inspector of Police
S9 Palavanthangal Police Station
Chennai-600 114.

2.C.K.Selvasekaran ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to C.C.No.452 of 2013 pending on the file of the learned Judicial Magistrate, Tambaram and quash the same in respect of the petitioner/A1 alone.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.C.Iyyappa Raj
Additional Public Prosecutor
for R1

O R D E R

When this Court was about to dismiss this petition on merits and since there are prima facie materials for framing charges, the learned counsel for the petitioner sought permission of this Court to withdraw the same and has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court, after charges are framed.

3. However, the learned counsel for the petitioner sought permission of this Court to dispense with the personal appearance of the petitioner before the trial Court.

4. Accepting his submission, the petitioner/accused shall appear before the trial Court under Section 207 Cr.P.C., at the

time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. For the other hearings, the petitioner/accused shall file a petition before the trial Court under Section 317 Cr.P.C., giving an undertaking that he will not dispute his identity and that the counsel named by him in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab [2015(1) MLJ (Crl) 288]. On such a petition being filed, the trial Court may liberally consider the same. If the accused adopts any dilatory tactics, it is open to the trial Court to insist upon his presence and remand him to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If the accused absconds, the trial Court shall direct registration of an FIR against him under Section 229-A IPC. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Tambaram,
2. The Inspector of Police
S9 Palavanthangal Police Station
Chennai-600 114.
3. The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.Rajesh Kanna, Advocate sr.no.50688

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ks(co)
nr 09/08/2018