

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.10.2018

CORAM :
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.No.24333 of 2018 and
Crl.M.P.Nos.13794 & 13859 of 2018

Sivakumar

.. Petitioner

Vs

1.The State by the Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.

2.Mani

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records and quash the charge sheet in C.C.No.109
of 2018 on the file of the learned Judicial Magistrate Court
No.II, Chidambaram, Cuddalore District.

For Petitioner : Mr.A.Arasuganesan

For R1 : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

When the Court was about to dismiss this petition on merits,
learned counsel for the petitioner sought permission of this
Court to withdraw the same and he has also made an endorsement
to that effect. Permission is granted. Accordingly, this
Criminal Original Petition is dismissed as withdrawn with
liberty to the petitioner to raise all the points before the
trial Court, after the charges are framed. Consequently,
connected Miscellaneous Petitions are closed.

2. At this juncture, the learned counsel for the petitioner
submitted that the petitioner is a driver by profession and
therefore, requested that his presence before the trial Court
may be dispensed with.

3. Accepting the said submission, the presence of the
petitioner before the trial Court shall be dispensed with, on
condition that, he shall be present before the trial Court for
receiving the complaint under Section 207 Cr.P.C., for answering
the charge, at the time of questioning under Section 313 Cr.P.C.

and at the time of passing judgment. For the other hearings, the petitioner 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 (Cr1) 288]. On such application being filed, the trial Court may liberally consider the same. If the petitioner/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 petitioner/accused absconds, the trial Court shall direct registration of an FIR against him under Section 229-A IPC.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mkn

To

- 1.The Inspector of Police,
Chidambaram Town Police Station,
Cuddalore District.
- 2.The Judicial Magistrate No.II,
Chidambaram,
Cuddalore District.
- 3.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.24333 of 2018 and
Cr1.M.P.Nos.13794 & 13859 of 2018

rrs 30/10/2018

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