



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.11.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

Cr1.O.P.[MD] No.18553 of 2018

and

Cr1.M.P.(MD) Nos.8305 and 8306 of 2018

1.Rajkumar

2.Esakkipandian

3.Athomoola Krishnan

4.Vigneswaran

5.Indurani

6.Krishna Ammal : Petitioners/Accused No.1,2,3,5,8 and 9

vs.

1.The State by

The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.
Crime No.146 of 2013

2.S.Natarajan : Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in PRC NO. 58 of 2017 on the file of the Judicial Magistrate, Ambasamudram, Tirunelveli and quash the same.

For Petitioners : Mr.S.Krishnan
For R1 : Mr.A.Robinson
Government Advocate (Cr1.Side)
For R2 : No appearance

ORDER

This criminal original petition has been filed to quash the proceedings in PRC No. 58 of 2017 on the file of the learned Judicial Magistrate, Ambasamudram, Tirunelveli.

2.When this Court was about to dismiss the criminal original petition on merits, the learned counsel for the petitioners sought permission of this Court to withdraw the same.

<https://hcservices.ecourts.gov.in/hcservices/>

3.At this juncture, the learned Counsel for the petitioners



submitted that the presence of the petitioners before the Trial Court may be dispensed with.

4.The learned Government Advocate (Crl.Side) brought to the knowledge of this Court that it is only at the stage of PRC and that the petitioners have to appear before the committal Court namely, the Judicial Magistrate Court, Ambasamudram, Tirunelveli District till the case is committed to the Sessions Court.

5.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they shall be present before the committal Court till the matter is committed and thereafter be present before the concerned Court of Sessions at the time of initial questioning, answering to the charges framed and at the time of questioning under Section 313 of CrPC and at the time of passing judgment. The petitioners shall also appear before the trial Court if their presence is insisted by the trial Judge for the purpose of identification.

6.The petitioners are further directed to give an undertaking in the form of an affidavit that the counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners shall not dispute the identity of the witnesses. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist

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for their appearance and deal with the petitioners in accordance with the judgment of Supreme Court of India, in **State of Uttar Pradesh Vs. Shambunath Singh, reported in JT 2001(4)s SC 319.**

7.In view of the above, this Criminal Original Petition stands closed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-II)

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To

1.The Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District.



2.The Judicial Magistrate,
Ambasamudram Police Station,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

- 1 CC To Mr.S.Krishnan, ADVOCATE IN SR No.95557.
- DS RSK SAR2 31 12 2018 3P 5C

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