



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.4407 of 2018
and Crl.M.P.(MD)Nos.2161 & 2162 of 2018

Prasath : Petitioner/Accused No.3

Vs.

1. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
(FIR No.338 of 2016) : 1st Respondent/Complainant
2. S.Vadivel : 2nd Respondent/Informant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.162 of 2016 on the file of the Judicial Magistrate Court, Theni, Theni District and quash the same in so far as the petitioner alone.

For Petitioner : Mr.R.Murugappan
For R1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

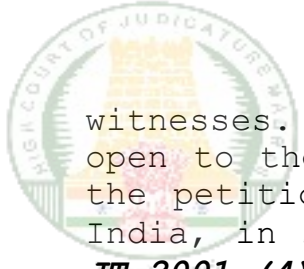
ORDER

The learned counsel appearing for the petitioner sought permission of this Court to withdraw this Criminal Original Petition and he has also made an endorsement to that effect.

2.At this juncture, the learned counsel appearing for the petitioner submitted that the presence of the petitioner 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 for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of Cr.P.C and at the time of passing judgment.

4.The petitioner is further directed to give an undertaking in the form of affidavit that the counsel representing him will cross examine the prosecution witnesses on the day they are examined in chief. The petitioner shall not dispute the identity of the



witnesses. If the petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner 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.**

5. This Criminal Original Petition is dismissed as withdrawn. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Judicial Magistrate,
Theni, Theni District
2. The Inspector of Police,
Palanichettipatti Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.MURUGAPPAN, ADVOCATE IN SR No. 81023

GNS

TE/RSK/SAR-2 : 20/09/2018 : 2P/5C

Crl.O.P. (MD) No.4407 of 2018
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