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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.1548 of 2017
and
Crl.M.P.(MD) Nos.1280 and 1281 of 2017

Jeyakumar

... Petitioner / Accused

Vs.

Senthilkumar

... Respondent / Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the entire records pertaining to S.T.C.No.131 of 2013 on the file of the learned Judicial Magistrate (Fast Track Court), Palani, Dindigul District and quash the same as illegal forthwith.

For Petitioner	: Mr.A.Uthayakumar
For Respondent	: No Appearance

ORDER

When this Court was about to dismiss the Criminal Original Petition on merits, the learned counsel for the petitioner sought permission of this Court to withdraw the same and he has also made an endorsement to that effect.

2.At this juncture, the learned counsel 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



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5.This Criminal Original Petition stands dismissed as withdrawn. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-II)

To:

1.The Judicial Magistrate (Fast Track Court),
Palani, Dindigul District.

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

Crl.O.P. (MD)No.1548 of 2017
29.10.2018

MYR

ES/SKN/RSK/SAR 2/03.12.2018/2P/3C