



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.323 of 2017

S.Shanmuganathan : Petitioner /Accused 5

-Vs-

1. State Rep. by
Inspector of Police,
Central Bureau of Investigation,
Anit Corruption Bureau,
Chennai. : Respondent/Complainant

2. The Chief Manager,
Central Bank of India,
Ramanathapuram Branch. : Respondent/Defacto Complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to C.C.No.18 of 2012 on the file of the learned Special Judge for CBI Cases -cum- Second Additional District and Sessions Judge, Madurai and quash the same.

For Petitioner : Mr.R.Murugan

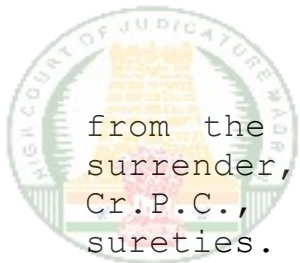
For Respondent No.1 : Mr.N.Ashok Kumar Gowtham,
Special Public Prosecutor for CBI Cases

For Respondent No.2 : Mr.B.Rajesh Saravanan

ORDER

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

2. Permission is granted. The Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court, after the charges are framed, since there are *prima facie* materials for the Trial Court to frame charges. If the petitioner is not released on bail, he is directed to surrender before the Trial Court, within a period of four weeks



from the date of receipt of a copy of this order and on such surrender, the Trial Court shall obtain a bond under Section 88 Cr.P.C., for Rs.10,000/- (Rupees Ten Thousand only) without sureties.

3. At this juncture, the learned counsel appearing for the petitioner submits that the presence of the petitioner before the Trial Court may be dispensed with.

4. Accepting the submission, this Court directs the petitioner to appear before the Trial Court for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioner files an application under Section 317 Cr.P.C., undertaking that he will not dispute his identity and that his counsel will cross-examine the prosecution witnesses on the day they are examined in chief, as held by the Hon'ble Supreme Court in Vinod Kumar vs. State of Punjab reported in 2015 (1) Scale 542, in his absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If he absconds, a fresh First Information Report can be registered against him under Section 229-A of the Indian Penal Code. If he adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Special Judge for CBI Cases -cum-
Second Additional District and Sessions Judge,
Madurai.

2. The Inspector of Police,
Central Bureau of Investigation,
Anit Corruption Bureau, Chennai.

3. The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.B.Rajesh Saravanan , Advocate in SR No. 46631

+ 1 cc TO Mr.R.Murugan , Advocate in SR No. 46951

SML

AE/MR/SAR1/20.02.2018/2P/6C