



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Cr1.O.P. (MD) No.19932 of 2016

M.Kannan

... Petitioner/A8

vs.

1. State rep.by the
Deputy Superintendant of Police
Vigilance and Anti Corruption
Dindigul
(Crime No.18/AC/2002/CC-II)

... 1st Respondent/Complainant

2.Renugadevi

... 2nd Respondent / *De facto*
Complainant

PRAYER: Criminal original petition filed, under Section 482 Cr.P.C., to call for the records pertaining to the charge sheet in Special Case No.5 of 2006, on the file of the Chief Judicial Magistrate, Dindigul and quash the same as illegal.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.C.Mayilvahan Rajendran

Additional Public Prosecutor for R1

No appearance for R2

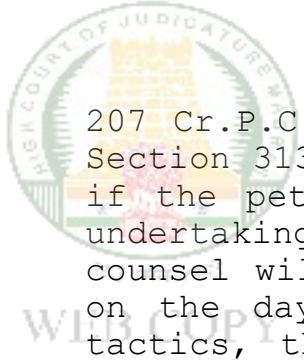
O R D E R

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

2. In view of the endorsement so made, this criminal original petition is dismissed as withdrawn, with liberty to raise all the points before the Trial Court after the charges are framed.

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

4. Accepting the submission and also taking into consideration the fact that the petitioner has the fundamental right to fair trial, 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 in his absence on the day they are examined in chief without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence. If the petitioner adopts dilatory tactics, he can be remanded to custody under Section 309 Cr.P.C., as laid down by the Hon'ble Supreme Court in **State of U.P. vs. Shambhu Nath Singh**, reported in **2001 (4) SCC 667**.

5. The petitioner is further directed to furnish a bond, under Section 88 Cr.P.C., with two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each for a like sum to the satisfaction of the learned Chief Judicial Magistrate, Dindigul.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Chief Judicial Magistrate,
Dindigul.
2. The Deputy Superintendant of Police,
Vigilance and Anti Corruption,
Dindigul.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.SEEMARAJ, ADVOCATE IN SR No. 44279

KRK

TE/MR/SAR-3 : 07/02/2018 : 2P/5C

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