



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2018

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP (MD) No.7356 of 2017

and

CRL.MP (MD) No.5020 of 2017

T.Chandrasekaran

... Petitioner / Accused No.3

vs.

1.State through

Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Nagercoil. (Cr. No. 6 of 2012)

2.M.Sundararajan,

Formerly Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Nagercoil

... Respondents

(He registered the FIR as per the direction of his superior based on the detailed enquiry report. He did not give any complaint; 1st Respondent will represent the cause of 2nd Respondent. Hence 2nd respondent is given up)

PRAYER: Petition filed under Section 482 of the Criminal Procedure Code praying to quash the charge sheet which has been taken on file as Special Case No.9 of 2014 on the file of the learned Chief Judicial Magistrate Court / the Special Court under the Prevention of Corruption Act, Nagercoil and quash the same in respect of the petitioner/A3.

For Petitioner : Mr.N.Vijayarajan

For Respondents : Mr.C.Mayil Vahana Rajendran,
Additional Public Prosecutor for R.1
No appearance for R.2 (Given up)

ORDER

When this Court is about to dismiss the case on merits, the learned Counsel for the petitioner sought permission to withdraw, with liberty to raise all the points before the Trial Court. He has also made an endorsement to that effect.



2. In view of the same, this criminal original petition is dismissed as withdrawn, with liberty as prayed for. Consequently, connected miscellaneous petition is closed.

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, this Court directs the petitioner to appear before the Trial Court and on his appearance, he shall be released on bail under Section 436 of the Code of Criminal Procedure on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Chief Judicial Magistrate / Special Judge, Nagercoil at Kanyakumari District and thereafter, he shall 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 engages an Advocate and 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 witnesses, subject to Section 242 (3) Cr.P.C., in his absence without adopting any dilatory tactics, the Trial Court may liberally consider the same and dispense with the presence of the petitioner. On any other hearing date, if the presence of the petitioner is required, the Trial Court may give notice to the counsel on record for the petitioner and the petitioner shall appear before the Trial Court on the said date. The Trial Court shall dispose of the proceedings as expeditiously as possible.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Chief Judicial Magistrate / Special Judge,
Nagercoil at Kanyakumari District.

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption, Nagercoil.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1CC to Mr.M.Saravanan, Advocate, SR.No. 41319

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