



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 11.09.2018**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**Crl.O.P. (MD) No. 22799 of 2016**

**and**

**CRLMP (MD) Nos. 11931 and 11932 of 2017**

Sachin Sinde

... Petitioner/A3

Vs.

1. State represented by  
The Inspector of Police,  
Tenkasi Police Station,  
Tirunelveli District.

... Respondent/Complainant

2. Jeganathan

... Respondent/Defacto Complainant

**PRAYER:-** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to pass an order to call for the records in connection with CC No. 321 of 2012 on the file of the learned Judicial Magistrate, Tenkasi, Tirunelveli District and quash the same.

|                      |                                                          |
|----------------------|----------------------------------------------------------|
| For Petitioner       | : Mr. B. Prahalad Ravi                                   |
| For Respondent No. 1 | : Mr. M. Chandrasekaran,<br>Additional Public Prosecutor |
| For Respondent No. 2 | : Mr. P. Pethu Rajesh                                    |

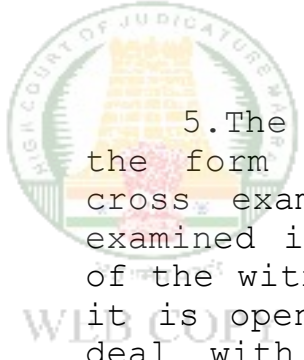
**ORDER**

This petition has been filed to quash the CC No. 321 of 2012 on the file of the learned Judicial Magistrate, Tenkasi, Tirunelveli District.

2. 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 she has also made an endorsement to that effect.

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 said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be present, at the time of questioning under Section 313 of CrPC and at the time of passing judgment.



5.The petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing them 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) SC 319**.

6.The criminal original petition is dismissed as withdrawn. Consequently, CRL(MD)Nos. 11931 and 11932 of 2016 are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Judicial Magistrate, Tenkasi,  
Tirunelveli District.
2. The Chief Judicial Magistrate,  
Tirunelveli.
3. The Inspector of Police,  
Tenkasi Police Station,  
Tirunelveli District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.P.Pethu Rajesh, Advocate Sr.No.84040  
+1cc to Mr.B.Prahalad Ravi, Advocate Sr.No.84009

DSK

VB/RP/SAR1/01.10.2018/2P/7C

**Cr1.O.P. (MD) No.22799 of 2016**  
**11.09.2018**