



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.(MD)No.3955 of 2016

and

CRL.M.P.(MD)No.1985 of 2016

Marimuthu

: Petitioner

-Vs-

State of Tamil Nadu,
By its Inspector of Police,
Vigilance and Anti Corruption,
Virudhunagar.
(Crime No.2 of 2013).

: Respondent

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the charge sheet in Spl.C.C.No.11 of 2014 on the file of the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur and quash the same.

For Petitioner	: Mr.C.U.Meenaakshi Rama Prabu
For Respondent	: Mr.C.Mayil Vahana Rajendran, Additional Public Prosecutor

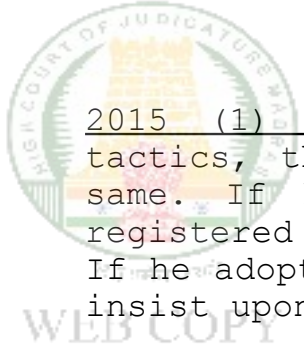
ORDER

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 The Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court, after the charges are framed. Consequently, the connected miscellaneous petition is closed.

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 (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
2. The Inspector of Police,
State of Tamil Nadu,
Vigilance and Anti Corruption,
Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.A.V.Arun, Advocate SR.No. 43794

Order made in
CRL.O.P. (MD) No. 3955 of 2016
Dated: 23.01.2018

SML
JM/MR/SAR 4/07.02.2018/2P/5C