



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.13144 of 2018
and
CRL.M.P.(MD).No.5899 of 2018

Thavam

... Petitioner

-vs-

1.The Inspector of Police,
C-3, S.S.Colony Police Station,
Madurai.
(in Crime No.864 of 2016)

... Respondent/Complainant

2.Murugesan

... Respondent/Informant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings of C.C.No.51 of 2017, on the file of the Judicial Magistrate Court No.V, Madurai and quash the same in so far as the petitioner alone.

For Petitioner : Mr.R.Murugappan
For Respondent 1 : Mr.K.Chandrasekar
Additional Public Prosecutor

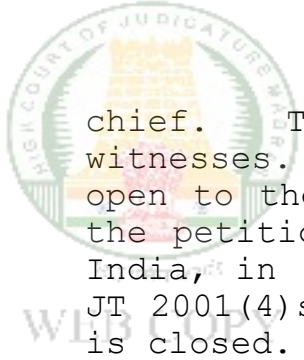
ORDER

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 he has also made an endorsement to that effect.

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

3.Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of CrPC and at the time of passing judgment.

4.The petitioner is further directed to give an undertaking in the form of affidavit that the Counsel representing him 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)s SC 319. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Inspector of Police,
C-3, S.S.Colony Police Station,
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.R.Murugappan, Advocate SR.No. 78191

CRL.O.P.(MD)No.13144 of 2018 and
CRL.M.P.(MD).No.5899 of 2018
10.08.2018

tm

JM/SKN/SAR 4/30.08.2018/2P/4C