



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

CRL.O.P.(MD)No.13806 of 2018 and
CRL.M.P(MD).Nos.6220 and 6221 of 2018

1.A.Kuttiyegan
2.Shanmugam

... Petitioners/Accused Nos.1 and 2

-vs-

1.State Rep. by the
Inspector of Police,
Aruppukottai Taluk Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.919 of 2015)

... 1st Respondent/Complainant

2.Anbumathi

... 2nd Respondent/Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the proceedings in C.C.No.283/2016 on the file of the Judicial Magistrate, Aruppukottai in so far as the petitioners herein and quash the same as illegal.

For petitioners	: Mr.N.Anandakumar
For Respondent 1	: Mr.K.Suyambulinga Bharathi
	Government Advocate, (Crl. side)

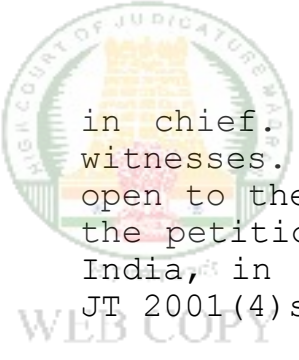
ORDER

When this Court was about to dismiss the Criminal Original Petition on merits, the learned Counsel for the petitioners 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 petitioners submitted that the presence of the petitioners before the Trial Court may be dispensed with.

3.Accepting the said submission, the presence of the petitioners before the trial Court shall be dispensed with on condition that they 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 petitioners are 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 petitioners shall not dispute the identity of the witnesses. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 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.

5. With the above direction, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

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

CRL.O.P. (MD) No. 13806 of 2018 and
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JM/RP/SAR 4/31.08.2018/2P/5C