



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.[MD].No.13686 of 2018

and

CrI.M.P.[MD].Nos.6172 and 6173 of 2018

1.Sivaranjani

2.Thangapandi

: Petitioners/Accused Nos.3&4

Vs.

1. The State Represented by its
The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
Crime No.1 of 2014.

: 1st Respondent/Complainant

2. R.Dhanalakshmi

2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the charge sheet as made in C.C.No.68 of 2015 on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District and quash the same as illegal and devoid of merits as against the petitioners.

For Petitioners : Mr.M.Jegadeesh Pandian

For Respondent No.1 : Mr.M.Chandrasekaran

Additional Public Prosecutor

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 appear before the Trial Court on 21.08.2018 and file a petition for recalling the Non Bailable



Warrant. On filing of such a petition, the Trial Court may recall the Non Bailable Warrant issued against the petitioners. The petitioners thereafter shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of Cr.P.C and at the time of passing judgment.

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4. The petitioners are 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 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 his 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. This Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate,
Uthamapalayam, Theni District.
2. The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SJI

TE/RP/SAR-3 : 24/08/2018 : 2P/4C

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Cr1.M.P.[MD].Nos.6172 and 6173 of 2018
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