



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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CRL.O.P.(MD)No.13805 of 2018 and
CRL.M.P.(MD)Nos.6218 and 6219 of 2018

1.Pandiyan
2.Jhansirani

.. Petitioners/Accused 2 & 3

-vs-

1.The State Rep. by
The Inspector of Police,
All Women Police Station,
Usilampatti Police Station,
Madurai District.
(Crime No.10 of 2017)

.. 1st Respondent/Complainant

2.Induja

.. 2nd Respondent/Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the above C.C.No.57 of 2018 on the file of the learned District Munsif cum Judicial Magistrate, Usilampatti, Madurai District and quash the same.

For Petitioner	: Mr.C.Jeganathan
For R1	: Mr.K.Suyambulinga Bharathi, Govt.Adv.(Crl.side)
For R2	: Mr.J.Selvam

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 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 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 their 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 petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar(Crl.side)

Sub Assistant Registrar(CS-

To

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

+1CC to M/s.VEERA ASSOCIATES, Advocate, SR.No.15200

CRL.O.P.(MD)No.13805 of 2018 and
CRL.M.P.(MD)Nos.6218 and 6219 of 2018
06.08.2018

TM

ES/SKN/RSK/SAR 1/27.08.2018/2P/5C