



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.13781 of 2018

and

CrI.M.P. (MD) Nos.6199 and 6198 of 2018

1. S.Ranikamalambal Rajayee Agencies,
Through it's Proprietor,
V.R.Ramachandra Durai Raja.

2. V.R.Ramachandra Durai Raja.

... Petitioners

Vs

Union Bank of India, Pudukkottai,
Through its Branch Manager,
and Power Agent,
Karthick.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to quash all further proceedings in S.T.C.No.848 of 2012 on the file of the learned Judicial Magistrate Court, Pudukkottai till the disposal of this quash petition.

For Petitioners : Mr.S.Karthikeyan

O R D E R

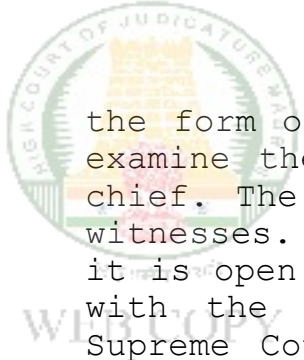
When this Court was about to dismiss the Criminal Original Petition on merits, the learned Counsel for the petitioners sought permission of this Court to withdraw the same and he has also made an endorsement to that effect.

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

3.Accepting the said submission, the presence of the second petitioner before the trial Court shall be dispensed with on condition that he shall be present, at the time of questioning under Section 313 of Cr.P.C., and at the time of passing judgment.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The second petitioner is 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 second petitioner shall not dispute the identity of the witnesses. If the second petitioner adopt any dilatorical tactics, it is open to the Trial Court to insist for his appearance and deal with the second 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.**

5.This Criminal Original Petition shall stand dismissed as withdrawn with liberty to the petitioners to raise all the points before the Trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Judicial Magistrate,
Pudukkottai.

+ 1 CC TO Mr.S.KARTHIKEYAN, ADVOCATE IN SR No. 77700

RMI

TE/RP/SAR-3 : 21/08/2018 : 2P/3C

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