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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.13915 of 2018

and

Cr.M.P. (MD) Nos.6248 and 6249 of 2018

1.R.Mohan
2.Sunitha
3.Anitha

... Petitioners

Vs

1. The Inspector of Police,
Pudhukdai Police Station,
Kanyakumari District.
(Crime No.487 of 2015)

2. V.Dharmaraj

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in S.T.C.No.52 of 2017 on the file of the Judicial Magistrate No.II, Kuzhithurai and to set aside the same as against these petitioners.

For Petitioner	: Mr.S.C.Herold Singh
For R1	: Mr.K.Suyambulingabharathi
	Government Advocate(Crl.side)

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 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.

4.The petitioners are 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 adopt 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. This criminal original petition shall stand dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

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/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Judicial Magistrate No. II, Kuzhithurai.
2. The Inspector of Police,
Pudhukdai Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. S. C. Herold Singh, Advocate Sr. No. 77440

RMI

VB/SKN/SAR3/21.08.2018/2P/5C

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