



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD].No.14079 of 2018

and

Crl.M.P.[MD].Nos.6320 and 6321 of 2018

1.John Renjith Singh

2.Harichandran

3.Kolappan

: Petitioners

Vs.

1.The State Represented by its

The Inspector of Police,  
Pudukkadam Police Station,  
Kanyakumari District.  
Crime No.318 of 2015.

2.Masilamony

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records in C.C.No.76 of 2017, on the file of the Judicial Magistrate Court No.2, Kuzhithurai and quash the same.

For Petitioners : Mr.S.Sivakumar

For Respondents : Mr.M.Chandrasekaran

Additional Public Prosecutor

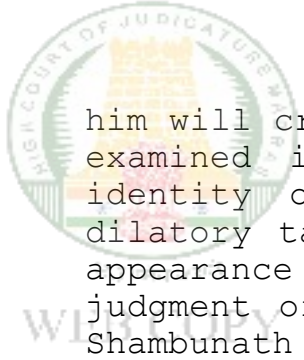
#### ORDER

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 third petitioner, who is aged about 70 years may be dispensed with before the Trial Court.

3. Accepting the said submission, the presence of the third petitioner before the trial Court shall be dispensed with a condition that he 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.

4. The third petitioner is 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 third petitioner shall not dispute the identity of the witnesses. If the third petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with the third 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 This Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1.The Judicial Magistrate Court No.2,  
Kuzhithurai.

2.-Do- Through The Chief Judicial Magistrate,  
Kanyakumari.

3.The Inspector of Police,  
Pudukkadam Police Station,  
Kanyakumari District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to M/S.S.Sivakumar, Advocate SR.No. 77771

Cr1.O.P.[MD].No.14079 of 2018  
and

Cr1.M.P.[MD].Nos.6320 and 6321 of 2018  
09.08.2018

sj i

JM/RP/SAR 3/24.08.2018/2P/6C