



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.(MD)No.13996 of 2018 and

CRL.M.P.(MD)Nos.6277 and 6278 of 2018

M.Sathiyanathan

.. Petitioner/Accused

-vs-

M/s.Thirumurugan Finance, Rep. by Proprietor,
Mr.S.Kalimuthu, S/o Subramani,
Office at D.No.15D, Kavery Nagar,
Melachinthamani, Trichy - 2.

.. Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records in respect of the private complaint in C.C.No.128 of 2017 on the file of Judicial Magistrate Court No.I, Trichy and quash the same as illegal.

For Petitioner : Mr.S.Karthick Subramanian

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 him 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 dilatorious tactics, it is open to the Trial Court to insist for his 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 (AS)

SUB ASSISTANT REGISTRAR (CS III)

To

THE JUDICIAL MAGISTRATE NO. I
TIRUCHY.

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JM KAK SAR 3
30 8 2018
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