



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.14309 of 2018

and

Crl.M.P. (MD) Nos.6397 and 6398 of 2018

1. Meenakshi
2. Pappu @ Pappammal
3. Kuralarasan ... Petitioners/Accused 1 to 3
Vs.

1. State Rep by the
The Inspector of Police
Avudaiyar Kovil Police Station
Sivagangai District
Crime No. 04 of 2015 ... Respondent No.1/Dejure Complainant

2. M.Paneer Selvam ... Respondent No 2/Defacto complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the entire records connected with the proceedings in C.C. No.134 of 2015 on the file of the learned Judicial Magistrate, Aranthangi and quash the same as illegal.

For Petitioner : Mr.A.P.Balasubramanian
For Respondent : Mr.S.Bharathi
Government Advocate (Crl.Side)

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 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 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 petitioners are 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 petitioners shall not dispute the identity



of the witnesses. If the petitioners adopts any dilatorious 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 This Criminal Original stands dismissed as withdrawn. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The Judicial Magistrate, Aranthangi

2. The Inspector of Police
Avudaiyar Kovil Police Station
Sivagangai District

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

+1cc to Mr.R.Alagumani, Advocate Sr.No.78917

AAV

VB/KAK/SAR1/31.08.2018/2P/5C

Cr1.O.P.(MD)No.14309 of 2018
and

Cr1.M.P.(MD) Nos.6397 and 6398 of 2018
13.08.2018