



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P. (MD) .No.19577 of 2018

and

Cr1.M.P. (MD) Nos.8899 and 8900 of 2018

- 1.Paraman
- 2.Rajagobalan
- 3.Selvam
- 4.Rajesh
- 5.Manikandan
- 6.Palanisamy
- 7.Kottaisamy
- 8.Rajagobal
- 9.Senthil
- 10.Janarthanan
- 11.Ravikumar
- 12.Muthukumar
- 13.Nagarj
- 14.Dineshkumar
- 15.Vinoth
- 16.Karthik
- 17.Jegatheesan
- 18.Rajalingam
- 19.Karthik
- 20.Palpandi
- 21.Suresh
- 22.Babu
- 23.Sundarapandian
- 24.Nandhakumar

...Petitioners

Vs.

- 1.The State,
Rep. by the Inspector of Police,
Town South Police Station,
Dindigul Town,
Dindigul District.
(Crime No.172 of 2014)

- 2.Savadappan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C. to call for the records in connection with the impugned charge sheet in C.C.No.90 of 2016 pending on the file of the Magistrate No.3, Dindigul and quash the same insofar as the petitioners are concerned.



For Petitioners : Mr.D.Selvaraj
For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been filed to quash the proceedings C.C.No.90 of 2016 pending on the file of the learned Judicial Magistrate No.3, Dindigul.

2.When this Court was about to dismiss this criminal original petition on merits, the learned counsel for the petitioners sought permission of this Court to withdraw the petition.

3.At this juncture, the learned Counsel for the petitioners would pray that the presence of the petitioners before the trial Court may be dispensed with.

4.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 initial questioning and for answering the charges, at the time of questioning under Section 313 of Cr.P.C. and at the time of passing judgment.

5.The petitioners are further 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. The petitioners shall appear before the trial Court in the event if their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatory 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) SC 319**.

6.This Criminal Original Petition stands dismissed as withdrawn. Consequently, connected miscellaneous petitions are also closed.

Sd
ASSISTANT REGISTRAR (CS I)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS I)

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To

1.The Judicial Magistrate No.3, Dindigul.

2.The Inspector of Police,
Town South Police Station,
Dindigul Town,
Dindigul District.

COPY TO:

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

1CC TO MR. D. SELVAM, ADVOCATE SR 94853

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