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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.11.2018
CORAM:
THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD).No.19650 of 2018
and
Crl.M.P.(MD)Nos.8971 and 8972 of 2018

1.Anto Selvan
2.Mariya Melson
3.Christhu Raja
4.Arul Jegatheesh ...Petitioners/Accused 1 to 4

Vs.

1.The Sub Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District
Crime No.520/2017 ... 1st Respondent/Complainant

2.Edwin Jogan ... 2nd Respondent/ Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to call for the records pertaining to the C.C.No.185 of 2018 on the file of the Judicial Magistrate No.II, Nagercoil and quash the proceedings as against the petitioners herein.

For Petitioners : Mr.A.Balakrishnan
for Mr. K.P.Narayanakumar

For Respondent : Mr.R.Anandharaj
(R1) Additional Public Prosecutor

ORDER

The learned counsel for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition and he also made an endorsement to that effect.

2.In view of the endorsement so made by the learned counsel for the petitioners, the Criminal Original Petition is dismissed as withdrawn.

3.At this juncture, the learned Counsel for the petitioners submitted 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 at the time of receiving the copies, initial questioning reply to charges and questioning under section 313 of Cr.P.C. and at the time of passing judgment.

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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 petitioner shall appear before the Court in the event their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts 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) SC 319. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1.The Judicial Magistrate No.II,
Nagercoil.

2.The Sub Inspector of Police,
Nesamony Nagar Police Station,
Kanyakumari District.

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

4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.**(2 Copies)**

+1CC to Mr. K.P.Narayanakumar, Advocate, SR.No.94672

Crl.O.P.(MD).No.19650 of 2018
09.11.2018

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ES/SKN/RSK/SAR 2/30.11.2018/2P/7C

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