



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.(MD)No.20455 of 2018
and Crl.M.P.(MD)Nos.9434 & 9435 of 2018

WEB COPY

- 1.Johnwilsan
- 2.Sagayasavarimuthu
- 3.Britto
- 4.James @ Jamesxavier
- 5.Britto,S/o.Sepatheesh,
- 6.Britto,S/o.Vedhamariyasusai
- 7.Aruldenialkumar
- 8.David
- 9.Rajaiya
- 10.Durairaj
- 11.Nichsan
- 12.John
- 13.Innasi
- 14.Irudhayaraj @ Irudhayam
- 15.Vinothkumar

: Petitioners

Vs.

- 1.The State Rep.by
Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.
- 2.Joseph

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to charge sheet laid in C.C.No.93 of 2018 on the file of the District Munsif Cum Judicial Magistrate Court, Ilayangudi and quash the same.

For Petitioners	: Mr.B.Prahalad Ravi
For R1	: Mr.R.Anandharaj
	Additional Public Prosecutor

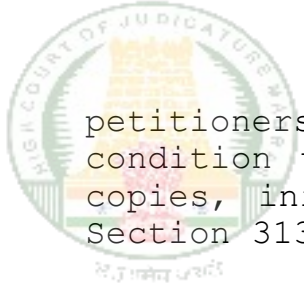
ORDER

The learned counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition 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.

<https://hcservices.ecourts.gov.in/hcservices/>

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 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.

4. 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 2001 (4) SCC 667.

5. Accordingly, the Criminal Original Petition is dismissed as withdrawn. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-I)

To

1. The Inspector of Police,
Ilayangudi Police Station,
Sivagangai District.

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

+1cc to Mr.B.PRAHALAD RAVI, Advocate, SR.No.96082

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16.11.2018

GNS
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