



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P. (MD) .No.19996 of 2018

and

Crl.M.P. (MD) .Nos.9188 and 9189 of 2018

Shanmuganathan @ Rajashanmugam

... Petitioner

.vs.

The State Rep. by

1. The Deputy Superintendent of Police
Usilampatti Division
Usilampatti
Madurai District

2. The Inspector of Police
Chekanurani Police Station
Madurai District

3. Selvi

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to call for the entire records relating to C.C.No.30 of 2016 pending on the file of the Judicial Magistrate No.II, Usilampatti and to quash the same.

For Petitioner : Mr.V.Santhakumaresan

For R-1& 2 : Mr.A.Robinson
Government Advocate (Crl.Side)

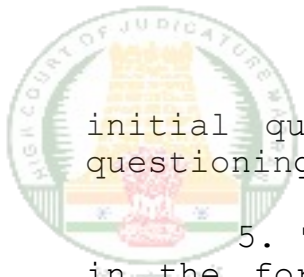
ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.30 of 2016 pending on the file of the Judicial Magistrate No.II, Usilampatti

2. 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 petition and he has also made an endorsement to that effect.

3. At this juncture, the learned counsel for the petitioner submitted that the presence of the petitioner may be dispensed with before the trial Court.

4. Accepting the said submission, the presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be present for receiving charge sheet, for



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

5. 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 he is examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial Judge for the purpose of identification. If the petitioner adopts any dilatory 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) SC 319.

6. This Criminal Original Petition stands dismissed as withdrawn. However, since the case is of the year 2016, there shall be a direction to the learned Judicial Magistrate No.II, Usilampatti to dispose the case as expeditiously as possible preferably within a period of nine months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate No.II,
Usilampatti.
2. The Deputy Superintendent of Police
Usilampatti Division
Usilampatti, Madurai District
3. The Inspector of Police
Chekanurani Police Station, Madurai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SS/BK/SAR 3/27.12.2018/2P/5C

Cr1.O.P. (MD) .No.19996 of 2018
and

Cr1.M.P. (MD) .Nos.9188 and 9189 of 2018
15.11.2018