



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.08.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.(MD)No.14678 of 2018
and
Crl.M.P.(MD) Nos.6528 and 6529 of 2018

1.Sahaya Indira
2.George

... Petitioners / Accused Nos.1 and 2

Vs.

1. The Inspector of Police
District Crime Branch (Anti Land
Grabbing Special Cell),
Tirunelveli.
(Crime No.75 of 2011)

... 1st Respondent / Complainant

2. K.P.Mayinkutty

... 2nd Respondent / Defacto
Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the entire records pertaining to the charge sheet in C.C.No.20 of 2017 on the file of the Special Court for Land Grapping Cases, Tirunelveli and quash the same as illegal as against the above petitioners.

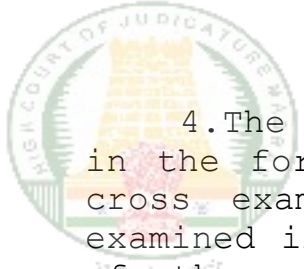
For Petitioners : Mr.S.R.Anbarasu
For Respondent No.1 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side).

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 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 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 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)s SC 319.**

5. This Criminal Original Petition stands dismissed as withdrawn. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Special Judicial Magistrate,
Special Court for Exclusive Trial &
Land Grabbing Cases, Tirunelveli
2. The Inspector of Police
District Crime Branch (Anti Land
Grabbing Special Cell),
Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.R.Anbarasu, Advocate SR.No.79888
Myr
MK/SKN/SAR 1/04.09.2018/2P/5C

Crl.O.P. (MD) No.14678 of 2018
and
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