



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.15864 of 2018

and

CrI.M.P. (MD) Nos.7030 and 7031 of 2018

R.Marimuthu

... Petitioner

Vs

1. The Inspector of Police,
Malaiyur Police Station,
Malaiyur,
Karambakudi Taluk,
Pudukkottai District.
(Crime No.05 of 2015)

2. P.Thangaprakasam
Special Sub-Inspector of Police,
Malaiyur Police Station,
Malaiyur,
Karambakudi Taluk,
Pudukkottai District.

... Respondents

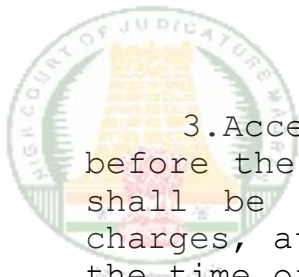
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the charge sheet in P.R.C.No.17 of 2018 on the file of the District Munsif-cum-Judicial Magistrate Court, Alangudi and quash the same as illegal as against the petitioner is concerned.

For Petitioner	: Mr.K.C.Maniyarasu
For R1	: Mr.K.Suyambulinga Bharathi
	Government Advocate (CrI.side)

O R D E R

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 same and he has also made an endorsement to that effect.

2.At this juncture, the learned Counsel for the petitioner submitted that the presence of the petitioner before the Trial Court may be dispensed with.



3. 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 answering the charges, at the time of questioning under Section 313 of CrPC and at the time of passing judgment.

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4. The petitioner is 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 petitioner shall not dispute the identity of the witnesses. If the petitioner adopt any dilatorious 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) s SC 319.**

5. This Criminal Original Petition shall stand dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Munsif-cum-Judicial Magistrate, Alangudi.
2. The Inspector of Police,
Malaiyur Police Station,
Malaiyur,
Karambakudi Taluk,
Pudukkottai District.
3. The Special Sub-Inspector of Police,
Malaiyur Police Station,
Malaiyur,
Karambakudi Taluk,
Pudukkottai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.K.C.MANIYARASU, ADVOCATE IN SR No. 82324

RMI

TE/SKN/SAR-2 : 28/09/2018 : 2P/6C