



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P. (MD) .No.20112 of 2018

and

Crl.M.P. (MD) Nos.9283 and 9284 of 2018

Mariyapa Thevar
Proprietor,
Thevar Modern Rice Mill,
1, Subramaniyapuram 2nd Main Street,
Madurai-625 011.

...Petitioner

Vs.

Sakthi Saravanan

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C. to call for the records pertaining to the Private complaint in S.T.C.No.421 of 2013 pending before the learned Judicial Magistrate, Fast Track Court No.1, Madurai under Section 190(1)(a) and 200 of Criminal Procedure Code, r /w 138 and 141 of Negotiable Instrument Act and quash the same as illegal.

For Petitioner

:Mr.J.Pandidorai

O R D E R

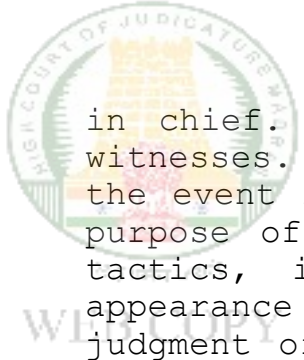
This Criminal Original Petition has been filed to quash the proceedings in S.T.C.No.421 of 2013 on the file of the learned Judicial Magistrate, Fast Track Court No.1, Madurai.

2.When this Court was about to dismiss this criminal original petition on merits, the learned counsel for the petitioners sought permission of this Court to withdraw the petition.

3.At this juncture, the learned Counsel for the petitioners would pray 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 for receiving charge sheet, for initial questioning and for answering the charges, at the time of questioning under Section 313 of Cr.P.C. and at the time of passing judgment.

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 trial Court in the event if their presence is insisted by the trial judge for the purpose of identification. If the petitioners adopts any dilatory 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***.

6.This Criminal Original Petition stands dismissed as withdrawn. Consequently, connected miscellaneous petitions are also closed.

Sd/-
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR(CS-II)

To

1.The Judicial Magistrate, Fast Track Court No.1,
Madurai.

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

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