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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.20381 of 2018

and

Crl.M.P. (MD) Nos.9390 & 9391 of 2018

1.P.Prema
2.P.Pandiyaraja
3.P.Jeyapandi
4.P.Jeyakannan
5.J.Saroja
6.Kowasalya
7.R.Mano Ranchitham
8.M.Seethalakshmi

... Petitioners / Respondents

-vs-

Rohinidevi ... Respondent / Complainant

PRAYER : Criminal original petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to petition in D.V.O.P.No.9 of 2018 filed by the respondent before the learned Judicial Magistrate No.I, Dindigul and quash the same.

For Petitioners : Mr.S.M.Mohan Gandhi
O R D E R

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 1, 2, 4, 5, 6, 7 and 8 alone before the Trial Court shall be dispensed with on condition that they shall engage a counsel, who would represent them on all hearings and would assist the Trial Court to get along with the case without any delay and the petitioners 1, 2, 4, 5, 6, 7 and 8 shall be present if their presence is insisted by the Trial Judge and the petitioners 1, 2, 4, 5, 6, 7 and 8 are further directed to give an undertaking in the form of affidavit that the counsel representing them will cross-examine the respondent and her witnesses on the day they are examined in chief. The petitioners 1, 2, 4, 5, 6, 7 and 8 shall not dispute the identity of the witnesses. If they adopt any dilatory tactics, it is open to the Trial Court to insist for their appearance and deal with them in accordance with the decision of the Honourable of Supreme Court of India in the case of *State of Uttar*



Pradesh Vs. Shambunath Singh, reported in *JT 2001 (4) SC 319*.

4. This criminal original petition stands dismissed as withdrawn. Consequently connected miscellaneous petitions are closed.

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/True copy/

Sd/
Assistant Registrar(Crl Side)

Sub Assistant Registrar(CS-I)

To:
The Judicial Magistrate No.I,
Dindigul.

+1cc to Mr.S.M.MOHAN GANDHI, Advocate, SR.No.95524

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