



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.(MD) No.20428 of 2018

and

CrI.M.P.(MD) Nos.9421 & 9422 of 2018

WEB COPY

P.Arunachalam

... Petitioner / Accused No.1

-vs-

1.State rep.by

The Inspector of Police
City Crime Branch
Tiruchirappalli City
Tiruchirappalli District
(Crime No.52 of 2017)

... 1st Respondent / Complainant

2.Arockya Jeyaseelan

... 2nd Respondent / De facto
Complainant

PRAYER : Criminal original petition is filed under Section 482 of the Code of Criminal Procedure to call for the records and quash the charge sheet in C.C.No.329 of 2018, on the file of the learned Judicial Magistrate No.VI, Tiruchirappalli, Tiruchirappalli District, as against the petitioner herein.

For Petitioner : Mr.A.Thiruvadi Kumar

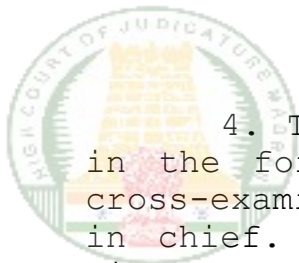
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor for R1

ORDER

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



4. 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 they are examined in chief. The petitioner shall not dispute the identity of the witnesses. If he adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with him 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.

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 This criminal original petition stands dismissed as withdrawn.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

Sd/-

Assistant Registrar(Crl.side)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1.The Judicial Magistrate No.VI,
Tiruchirappalli, Tiruchirappalli District

2.The Inspector of Police,
City Crime Branch,
Tiruchirappalli City,
Tiruchirappalli District.

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

+1CC to Mr.A.Thiruvadi Kumar, Advocate, SR.No.95485

Crl.O.P.(MD) No.20428 of 2018
and

Crl.M.P.(MD) Nos.9421 & 9422 of 2018
15.11.2018

KRK

ES/PM/SAR 3/06.12.2018/2P/5C