



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CRL.O.P. (MD) No.15815 of 2018

and

Crl.M.P. (MD) Nos.7004 and 7005 of 2018

Balakrishnan

... Petitioner

Vs

1.The Inspector of Police,
Vilakkuthoon Police Station (L&O),
Madurai.

2.The Inspector of Police,
Vilakkuthoon Police Station (Crime)
Madurai.

3.P.L.Sundar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records in C.C.No.56 of 2018 pending on the file of the learned Judicial Magistrate No.I, Madurai and quash the same.

For Petitioner: Mr.A.Mohamed Yusuf

For R1 & R2 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

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, for answering the charges, at the time of questioning under Section

313 of CrPC and at the time of passing judgment.

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 he is examined in chief. The petitioner shall not dispute the identity of the witnesses. If the petitioner adopt any dilatorical 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 This Criminal Original Petition shall stand dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1. The Inspector of Police,
Vilakkuthoon Police Station (L&O),
Madurai.
2. The Inspector of Police,
Vilakkuthoon Police Station (Crime)
Madurai.
3. The Judicial Magistrate No.I,
Madurai
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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BU/RP/SAR-III : 11.10.2018 : 2P/5C

CRL.O.P. (MD) No.15815 of 2018
and

Cr1.M.P. (MD) Nos.7004 and 7005 of 2018
05.09.2018