



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.15954 of 2018

and

Crl.M.P.(MD)Nos.7069 and 7070 of 2018

M.Nagarajan

...Petitioner/Sole Accused

Vs.

1.The State

Through the Sub-Inspector of Police,
Traffic Investigation Wing-III,
Thideer Nagar,
Madurai,
Crime No.149/2017.

2.Sundaraselvam

...Respondents/Defacto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to call for the records of chargesheet in S.T.C. No.358 of 2018 on the file of the Judicial Magistrate No.IV, Madurai and quash the same.

For Petitioner : Mr.A.Haja Mohideen

For Respondent No.1: Mr.K.Suyambulinga Bharathi

Government Advocate (Crl.Side)

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 at the time of questioning under Section 313 of 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 the petitioner adopts any dilatorial 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. Accordingly, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

Sub Assistant Registrar (CS-II)

To

1. The Sub-Inspector of Police,
Traffic Investigation Wing-III,
Thideer Nagar,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.A.HAJA MOHIDEEN, ADVOCATE IN SR NO.82645

TA

BU/SKN/SAR-II : 01.10.2018 : 2P/4C