



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.15976 of 2018

and

Crl.M.P.(MD)Nos.7089 and 7090 of 2018

V.Swaminathan

... Petitioner / Accused No.1

Vs.

1. State Represented through

Inspector of Police, ALGC Police Station,

Madurai City,

in Crime No.107 of 2014

...Respondent / Complainant

2. P.Gnanasekaran

...Respondent /

Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to quash the charge sheet of the 1st respondent in C.C.No.15 of 2017 in Crime No.107 of 2014 on the file of the Special Judicial Magistrate Special Court for Exclusive Trial of Land Grabbing Cases, Madurai.

For Petitioner

: Mr.K.Muraleedharan

For Respondent

: Mr.K.Suyambulinga Bharathi

No.1

Government Advocate (Crl.Side)

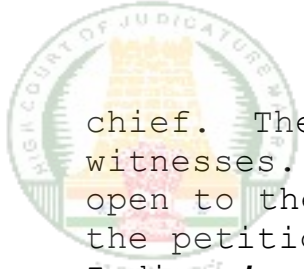
ORDER

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 for framing of charges, 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 Accordingly, this Criminal Original Petition is dismissed as withdrawn.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 (CS-III)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Special Judicial Magistrate
Special Court for Exclusive Trial of
Land Grabbing Cases, Madurai.
2. The Inspector of Police, ALGC Police Station,
Madurai City,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Muraleedharan, Advocate Sr.No.83035

TA

VB/RP/SAR2/04.10.2018/2P/5C

Cr1.O.P. (MD) No.15976 of 2018
06.09.2018