



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.16060 of 2018

and

CrI.M.P. (MD) Nos.7117 and 7118 of 2018

C.Cholavendhan

... Petitioner

Vs

A.Kumararavi

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to call for the records pertaining to the case in C.C.No.79 of 2018 on the file of the Judicial Magistrate, Fast Track Court, Thoothukudi and quash the same.

For Petitioner : Mr.B.Rooban

O R D E R

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 This Criminal Original Petition shall stand dismissed as withdrawn.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

WEB COPY

/True Copy/

Sd/-

Assistant Registrar (C.O)

Sub Assistant Registrar (CS-II)

rmi

To

The Judicial Magistrate, Fast Track Court,
Thoothukudi.

+1cc to Mr.B.Rooban, Advocate in SR No.83040

CRL.O.P. (MD) No.16060 of 2018
and
Cr1.M.P. (MD) Nos.7117 and 7118 of 2018

NM/RSK/SAR 2/09.10.18/2P/3C