



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P.[MD].No.17144 of 2018

and

CRL.M.P (MD) Nos.7584 and 7585 of 2018

T.Darwin Jose

: Petitioner/A2

Vs.

1.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.264 of 2013)

:1st Respondent/complainant

2.Shantha

:2nd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records in C.C.No.238 of 2017 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and quash the same against the petitioner alone.

For Petitioner : Mr.R.J.Karthick

For 1st Respondent : Mr.M.Chandra Sekaran

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to call for records in C.C.No.238 of 2017 on the file of the learned Judicial Magistrate, Padmanabhapuram, Kanyakumari District and quash the same against the petitioner alone.

2.When this Court was about to dismiss the Criminal Original Petition on merits, the learned counsel for the petitioner sought for permission of this Court to withdraw the same and he has also made an endorsement to that effect.

3.At this juncture, the learned counsel for the petitioner submitted that the presence of the petitioner before the trial court may be dispensed with.

4.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 the charge sheet, for answering the charges, at the time of questioning under Section 313 of Cr.P.C and at the time of passing judgment. 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.

5. This Criminal Original Petition is dismissed as withdrawn. Consequently, connected CrI.M.P(MD)No.7584 of 2018 is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Judicial Magistrate, Padmanabhapuram,
Kanyakumari District.

2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

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

• 1 CC TO Mr.R.J.Karthick , ADVOCATE IN SR No. 86986.

das

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and

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