



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2018

CORAM :

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THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.(MD) No.20409 of 2018

and

Crl.M.P.(MD) Nos.9413 & 9414 of 2018

Ravi @ Ravikumar

... Petitioner/Accused No.3

-vs-

1. The State rep.by
Sub Inspector of Police,
AWPS Sivagangai,
Sivagangai District .

... 1st Respondent/Complainant

2. Suriyakala

... 2nd Respondent/*De facto*
Complainant

PRAYER : Criminal original petition is filed under Section 482 of the Code of Criminal Procedure to call for the records relating to charge sheet laid in C.C.No.24 of 2018, on the file of the District Munsif-cum-Judicial Magistrate Court, Ilayangudi and quash the same insofar as the petitioner is concerned.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor for R1

O R D E R

This criminal original petition has been filed seeking to call for the records in C.C.No.24 of 2018, on the file of the learned District Munsif-cum-Judicial Magistrate, Ilayangudi and quash the same insofar as the petitioner herein is concerned.

2. 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.

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.

<https://hcservices.courts.gov.in/hcservices/>

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 charge sheet, initial questioning and answering the charges, at the time of questioning under Section 313 Cr.P.C. and at the time of passing of Judgment.

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5. 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. The petitioner shall appear before the Court below in the event if his presence is insisted by the Trial Judge for the purpose of identification. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with him in accordance with the decision of the Honourable of Supreme Court of India in the case of **State of Uttar Pradesh Vs. Shambunath Singh**, reported in **JT 2001 (4) SC 319**.

6. This criminal original petition stands dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The District Munsif-cum-Judicial Magistrate Court, Ilayangudi
2. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
3. The Sub Inspector of Police, AWPS Sivagangai, Sivagangai District.

+ 1 CC TO M/s.B.PRAHALAD RAVI, ADVOCATE IN SR No. 95885

KRK

TE/BK/SAR-1 : 12/12/2018 : 2P/5C