



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P. [MD].No.17660 of 2018

and

Crl.M.P. (MD) Nos.7837 and 7838 of 2018

1.Jagadeesh

2.Jayakumar

3.Valarmathi

: Petitioners

Vs.

1.The Inspector of Police,
All Women Police Station,
Thallakulam
Madurai.
Crime No.24 of 2017

2.Robini

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C. to quash the proceedings in C.C.No.31 of 2018 pending trial on the file of the Mahila Court, Madurai.

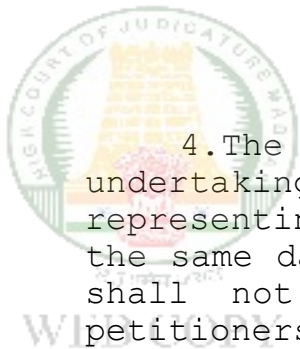
For Petitioners : Mr.P.Santhanakrishnan
For R1 : Mr.M.Chandra Sekaran
Additional Public Prosecutor

ORDER

When this Court was about to dismiss the criminal original petition on merits, the learned counsel for the petitioners 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 petitioners submitted that the presence of the petitioners 2 and 3 before the Trial Court may be dispensed with.

3.Accepting the said submission, the presence of the petitioners 2 and 3 alone before the trial Court shall be dispensed with on condition that they shall be present at the time of questioning under Section 313 of CrPC and at the time of passing judgment.



4.The petitioners 2 and 3 are further directed to give an undertaking in the form of an affidavit that the counsel representing him will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioners 2 and 3 shall not dispute the identity of the witnesses. If the petitioners adopts any dilatorial tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 2 and 3 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5.This Criminal Original Petition stands dismissed as withdrawn. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar(CS-IV)

To

1.The Judge, Mahila Court,
Madurai.

2.The Inspector of Police,
All Women Police Station,
Thallakulam
Madurai.

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

+1 CC To MR.P.SANTHANA KRISHNAN, Advocate SR. NO. 88521

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MM

TR/PM/SAR-IV(08.11.2018)2P 5C