



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2018

CORAM

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.18074 of 2018

and

Crl.M.P.(MD) Nos.8013 and 8014 of 2018

1.Ramesh
2.Ramalakshmi
3.Mariyappan
4.Selvakumar
5.Dhasingu Raja

... Petitioners/Accused No. 1 to 5

Vs.

1.State Rep by the
The Assistant Superintendent of Police,
Kovilpatti, Thoothukudi District.
(Crime No.212 of 2013) ..Respondent/Complainant

2.Sundar Raj ...Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the S.C.No.154 of 2018 on the file of the Mahila Court, Thoothukudi and quash the same.

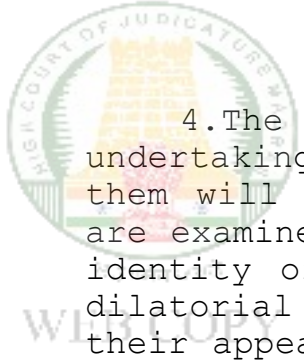
For Petitioners: Mr.S.Ramasamy
For R1 : Mr.M.Chandra Sekaran,
Additional Public Prosecutor.

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 appearing for the petitioners submitted that the presence of the petitioners 2 to 5 before the Trial Court may be dispensed with.

3.Accepting the said submission, the presence of the petitioners 2 to 5 alone before the trial Court shall be dispensed with the condition that they shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 913 of Cr.P.C., and at the time of passing judgment.



4.The petitioners 2 to 5 are further directed to give an undertaking in the form of affidavit that the counsel representing them will cross examine the prosecution witnesses on the day they are examined in chief. The petitioners 2 to 5 shall not dispute the identity of the witnesses. If the petitioners 2 to 5 adopts any dilatorical tactics, it is open to the Trial Court to insist for their appearance and deal with the petitioners 2 to 5 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. It is made clear that the first petitioner shall be present before the trial Court during the course of every hearing dates.

5.This Criminal Original stands dismissed as withdrawn. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

Myr

To:

- 1.The District Judge,
Mahila Court, Thoothukudi.
- 2.The Assistant Superintendent of Police,
Kovilpatti, Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.S.Ramasamy , ADVOCATE IN SR No.90256.

DS RSK SAR4 31 10 2018 2P 5C

Cr1.O.P.(MD)No.18074 of 2018

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