



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD)No.14495 of 2018

and

Crl.M.P.(MD) Nos.6484 and 6485 of 2018

1. Murugan
2. Pandiyan
3. Marichamy

... Petitioners/Accused Nos.1 to 3

Vs.

1. State Rep by the
The Inspector of Police
KarivalamvanthaNallur Police Station
Tirunelveli District
(Crime No.379 of 2017)

... 1st Respondent/Complainant

2. Isskiyammal

... 2nd Respondent/Defacto Complainant

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the CC.No.131 of 2018 on the file of the learned Judicial Magistrate Court, Sankarankovil and quash the same as against the petitioners.

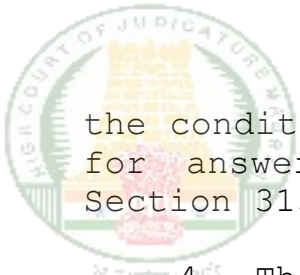
For Petitioner	: Mr.G.Sakthirao
For Respondent	: Mr.K.Suyambulinga Bharathi
No.1	Government Advocate (Crl.Side)

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 second petitioner before the Trial Court may be dispensed with.

3. Accepting the said submission, the presence of the second petitioner alone before the trial Court shall be dispensed with



the condition that he shall be present for receiving charge sheet, for answering the charges, at the time of questioning under Section 313 of CrPC and at the time of passing judgment.

4. The second 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 second petitioner shall not dispute the identity of the witnesses. If the second petitioner adopts any dilatorial tactics, it is open to the Trial Court to insist for his appearance and deal with the second 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 This Criminal Original stands dismissed as withdrawn. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

1. The Judicial Magistrate, Sankarankovil.
2. The Inspector of Police
KarivalamvanthaNallur Police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.G.SAKTHI RAO, ADVOCATE IN SR No. 79056

AAV

TE/RP/SAR-1 : 03/09/2018 : 2P/5C

Cr1.O.P.(MD)No.14495 of 2018 and
Cr1.M.P.(MD) Nos.6484 and
6485 of 2018
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