



mentioned as Rs.48,750/-, but in the charge sheet the total misappropriated amount is mentioned as Rs.8,71,965/- which shows the falsity in the case. He would further submit that LW.2 in this case one M.Ilahijan, had stated that on 23.03.2011, the first accused had sanctioned the sum to five institutions whereas in the charge sheet it has been mentioned as the sum of Rs.10,50,620/- was sanctioned to three institutions only and nothing has been stated about the remaining two institutions.

3.The learned Additional Public Prosecutor would submit that no legal ground has been raised in the petition seeking to quash. He further submitted that all the grounds raised are factual in nature which can only be decided during the fair and factual trial. It is his further submission that the petitioners have not made any legal ground for quashing the proceedings.

4.This Court finds no ground to interfere with the proceedings based on the facts. All these can be raised before the trial Court at the appropriate stage. Hence this Court was about to dismiss the application.

5. At this juncture, the learned counsel for the petitioner would pray that the presence of the petitioner may be dispensed with before the trial Court.

6.Taking into consideration the submission made by the learned counsels, the presence of the petitioner before the trial court is dispensed with, however the petitioner shall appear at the time of initial questioning u/s.313 Cr.P.C. and at the time of judgment.

7. The petitioner is further directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates and the learned 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 in the event if his presence is insisted by the trial Judge for the progress of trial. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist for his appearance and deal with the petitioner in accordance with the judgment of Supreme Court of India, in State of Uttar Pradesh Vs. Shambunath Singh, reported in (2001)4 SCC 667.



8. This Criminal Original Petition stands dismissed
Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Chief Judicial Magistrate,
Dharmapuri
- 2.The Inspector of Police,
Vigilance and Anti Corruption
Dharmapuri District
- 3.The Additional Public Prosecutor,
Madras High Court.

+1cc to Mr.L.Sharadhkumar, Advocate Sr.57825

Cr1.O.P.No.18109 of 2019

br[co]
srg 08/08/2019