



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD) No.4590 of 2014
and
M.P.(MD) Nos.1 & 2 of 2014

1.A.G.Akshithram Raju

2.A.V.Ganeshram Raja

... Petitioners / Accused

vs.

1.State represented by
The Inspector of Police
Central Crime Branch
Madurai City

... 1st Respondent / Complainant

2.S.Avudaipandian

... 2nd Respondent / De facto Complainant

PRAYER: Petition is filed under Section 482 Cr.P.C., to call for the records relating to the proceedings in C.C.No.7 of 2014 pending on the file of Judicial Magistrate No.I, Madurai and quash the same.

[Amended as per the order of this Court, dated 08.08.2014 and made in M.P.(MD) No.3 of 2014]

For Petitioners

: Mr.K.Samidurai

For Respondents

: Mr.S.Chandrasekar

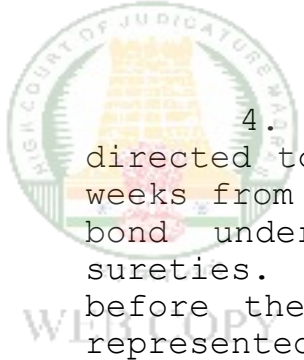
Additional Public Prosecutor for R1

O R D E R

When this Court was about to dismiss the criminal original petition on merits, the learned counsel appearing for the petitioners sought permission of this Court to withdraw the same and he has made an endorsement to that effect.

2. In view of the above, this criminal original petition is dismissed as withdrawn, with liberty to the petitioners to raise all the points before the Trial Court, after the charges are framed, since there are prima facie materials against the petitioners for framing charges.

3. At this juncture, learned counsel appearing for the petitioners submitted that the presence of the petitioners before the Trial Court may be dispensed with.



4. Accepting the submission, the petitioners / accused are directed to appear before the Trial Court, within a period of four weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C., for Rs.5,000/- each, without sureties. The petitioners / accused shall be present compulsorily before the Trial Court at the time of framing charges. It is represented that, the petitioners / accused have already received charge sheet and 161(3) Cr.P.C. statements under Section 207 Cr.P.C. They shall also be present before the Trial Court at the time of questioning under Section 313 Cr.P.C. and on the date of judgment. On all other dates, if the petitioners / accused file an application under Section 317 Cr.P.C., undertaking that they will not dispute their identity and that their counsel will cross-examine the prosecution witnesses in their absence on the day they are examined in chief without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If the petitioners / accused adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence. If the petitioners / accused adopt dilatory tactics, they can be remanded to custody under Section 309 Cr.P.C., as laid down by the Hon'ble Supreme Court in State of U.P. vs. Shambhu Nath Singh [2001 (4) SCC 667]. Consequently, connected criminal miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AD-I)

/TRUE COPY/

Sub Assistant Registrar

To:

- 1.The Judicial Magistrate No.I,
Madurai.
- 2.The Inspector of Police,
Central Crime Branch,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. C.C. to M/S.K.Samidurai, Advocate SR.No. 54434

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KRK