

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.03.2019****CORAM:****THE HONOURABLE MR.JUSTICE P.N.PRAKASH****Cr1.O.P.(MD) No.5302 of 2014****and****M.P.(MD) No.1 of 2014**

1.S.Suresh Kumar
2.Sambandamoorthy
3.V.S.Nagarathinam

... Petitioners / Respondents

vs.

Lalitha

... Respondent / Petitioner

PRAYER: Petition is filed under Section 482 Cr.P.C., to call for the records in proceedings in Cr.M.P.No.4253 of 2011 on the file of the Mahila Court, Madurai, quash the same.

For Petitioners : Mr.S.Ravi

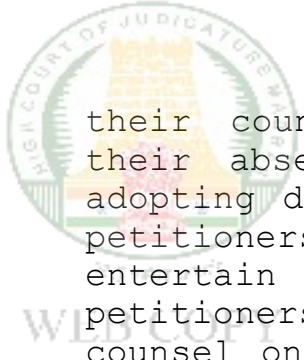
For Respondent : Mr.Veera Kathiravan, Senior Counsel
for M/s.Veera Associates**O R D E R**

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 In view of the above, this Criminal Original Petition is dismissed as withdrawn, with liberty to the petitioners to raise all the points before the Trial Court.

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 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/- (Rupees five thousand only) each, without sureties. The presence of the petitioners 2 & 3 before the Trial Court is dispensed with, on condition that they 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. On filing of such application by the petitioners 2 & 3, the Trial Court may liberally consider and entertain the same. However, as and when the presence of the petitioners 2 & 3 is required by the Trial Court, on notice to the counsel on record, the petitioners 2 & 3 shall appear before the Trial Court. On the date of Judgment, the petitioners 2 & 3 shall be present before the Trial Court. If the petitioners 2 & 3 adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence.

5. The Trial Court is directed to complete the proceedings within a period of six months from the date of receipt of a copy of this order. Consequently, connected criminal miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To:
The Mahila Judge,
Mahila Court,
Madurai.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-56079[F] dated 22/03/2019)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-56338[F] dated 25/03/2019)

KRK

Crl.O.P. (MD) No.5302 of 2014
and
M.P. (MD) No.1 of 2014
22.03.2019

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