



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2019

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.(MD) No.6534 of 2014

M.P.Nos.1 and 2 of 2014

WEB COPY

P.Sathasivam

... Petitioner/Sole Accused

-vs-

1.The Inspector of Police,
Nithiraivilai Police Station
Kanyakumari District.

... Respondent/Complainant

2.K.Murugan

... Respondent/
Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records from the learned Judicial Magistrate, No.II, Kuzhithurai in C.C.No.23 of 2014 and quash the same.

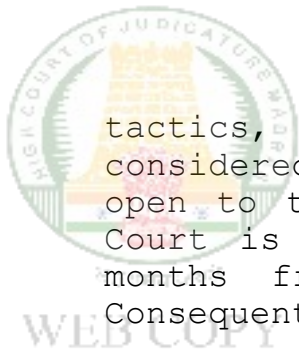
For Petitioner : Mr.G.Radhakrishnan for
Mr.Ananth C.Rajesh

For Respondents : Mr.M.Chandrasekaran for R1
Additional Public Prosecutor
No appearance for R2

O R D E R

When this Court was about to dismiss the case on merits, the learned counsel for the petitioner sought permission of this Court to withdraw the Criminal Original Petition with liberty to the petitioner to raise all the points before the trial Court. However, the learned counsel prayed for dispensing with the personal appearance of the petitioner before the trial Court. He has also made an endorsement to that effect.

2. Accepting the submission and endorsement made by the learned counsel for the petitioner, this criminal original petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court after the charges are framed as there are prima facie materials to frame charges. The petitioner shall appear before the trial Court to receive the copies under Section 207 Cr.P.C., for framing charges, Section 313 Cr.P.C. questioning and on the date of judgment. For the other hearings, if the petitioner gives an undertaking that he will not dispute his identity and that his counsel will cross-examine the witnesses on the day they are examined in chief without adopting any dilatory



tactics, his petition under Section 317 Cr.P.C. may be liberally considered. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon his presence. The trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

RR

To:

- 1.The Judicial Magistrate, No.II,
Kuzhithurai
- 2.The Inspector of Police,
Nithiraivilai Police Station
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.ANANTH.C.RAJESH, Advocate Sr. No. 58581

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MR (CO)

TR (30.04.2019) 2P 5C