



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Crl.O.P(MD) . No.11142 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

1.Chinna Muniandi

2.Thiripathi

3.Pandi ... Petitioners/A1 to A3

Vs

1.The State Rep. by The Inspector of Police,
Malli Police Station,
Virudhunagar District.

2.The Inspector of Police,
Krishnan Koil Circle Police Station,
Virudhunagar District. ... Respondents/Complainants

3.K.Subramani Thevar ... Respondents/Defacto Complainants

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. to call for the records relating to the impugned final report dated 18.03.2015 in PRC No.6 of 2015, on the file of the learned Judicial Magistrate No.II, Srivilliputhur, quash the same.

For Petitioners : Mr.C.Jegannathan

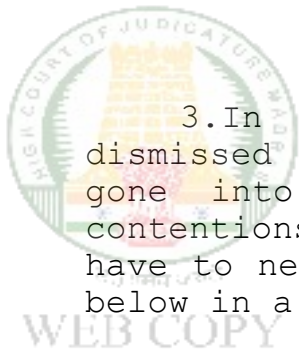
For R-1 and R-2 : Mr.A.Robinson
Government Advocate (Crl. side)

For R-3 : Mr.R.Gandhi

ORDER

This petition has been filed to quash the impugned final report dated 18.03.2015 in PRC No.6 of 2015, on the file of the learned Judicial Magistrate No.II, Srivilliputhur.

2.The learned counsel appearing for the petitioners seek leave to withdraw this petition and he has also made an endorsement to that effect.



3.In view of the same, this Criminal Original Petition is dismissed as withdrawn. It is made clear that this Court has not gone into the merits of the matter. All the defences and contentions of the petitioners are left open. The petitioners will have to necessarily establish their innocence only before the court below in a regular trial.

4.Considering the facts and circumstances, the personal appearance of the petitioners before the Court below shall stand dispensed with. The Trial Judge shall not insist on the personal appearance of the petitioners unless it is absolutely necessary or imperative. The petitioners shall of course be present to answer the charges and at the time of examination under Section 313 of Cr.PC and at the time of pronouncing judgment. Except these three occasions, on other hearing dates the petitioners can be represented through counsel. If the petitioners' counsel is also not present before the court below, the benefit of dispensing the personal appearance of the petitioners will stand automatically vacated. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

sjj

To

- 1.The Judicial Magistrate No.II, Srivilliputhur.
- 2.The Inspector of Police,
Malli Police Station,
Virudhunagar District.
- 3.The Inspector of Police,
Krishnan Koil Circle Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-92255[F] dated 16/10/2019)

+1 CC to M/s.R.GANDHI, Advocate (SR-92278[F] dated 16/10/2019)

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and
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