



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.(MD)No.17040 of 2018

and

CrI.M.P(MD)Nos.7535 and 7536 of 2018

Marichamy ... Petitioner/Accused No.15

-vs-

1.State represented by
The Inspector of Police,
Kariapatti Circle, Virudhunagar District.
(Crime No.139 of 2013) ...1st Respondent/Complainant

2.Rajankam ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to call for the records relating to the final report/charge sheet in S.C.No.158 of 2017 on the file of Assistant Sessions Judge, Virudhunagar and quash the same as illegal and unlawful insofar as the petitioner is concerned.

For Petitioner : Mr.S.Balamurugan

For R1 : Mr.S.Chandrasekar,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the proceeding in S.C.No.158 of 2017, on the file of learned Assistant Sessions Judge, Virudhunagar.

2. When the matter is taken up for hearing the learned counsel for the petitioner seeks permission of this Court to withdraw this petition. He would also submit that the personal appearance of the petitioner before the trial Court may be dispensed with and that a direction may be issued to the trial Court to complete the trial as expeditiously as possible.

3. Considering the request made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed. The presence of the petitioner before the trial Court shall be dispensed with on condition that he shall be duly represented by a counsel on all hearing dates and he shall be present for receiving charge sheet, for initial questioning and for answering the charges, at the time of questioning under Section 313 of Cr.P.C, and passing judgment.



4.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 that the Counsel representing him will cross examine the prosecution witnesses on the same day he is examined in chief. The petitioner shall not dispute the identity of the witnesses and he shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification and for progress of trial. If the petitioner adopts any dilatorial 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***. Consequently, connected CRL.MP(MD)NO.7535 of 2018, is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Assistant Sessions Judge,
Virudhunagar.

2.The Inspector of Police,
Kariapatti Circle,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.S.BALAMURUGAN, ADVOCATE, SR NO.103913

CRL.O.P.(MD)No.17040 of 2018

and

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