

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.06.2020

CORAM

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 7051 of 2020
and
Crl.M.P.No.3830 of 2020

Dhandapani ... Petitioner/9th Accused
Vs

The State of Tamil Nadu,
Represented by its Additional Superintendent of Police,
Crime Branch C.I.D,
Villupuram Range,
Villupuram, (Crime no.5 of 2014) ... Respondent/Complainant

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.1/2016 on the file of the Chief Judicial Magistrate, Villupuram and to quash the same.

For Petitioner : Mr.E. Aadith Vijay

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original petition is filed seeking a direction to call for the records in C.C.No.1/2016 on the file of the Chief Judicial Magistrate, Villupuram and to quash the same

2. The learned counsel appearing for the petitioner sought permission of this Court to withdraw this petition with liberty to raise all the grounds before the trial Court. He further submitted that the co-accused has already approached this Court in Crl.O.P.No.4502 of 2019 and the personal appearance of the co-accused is dispensed, with by this Court by an order dated 16.03.2020. Hence, he prays that the personal appearance of the petitioner also may be dispensed with in C.C.No.1 of 2016 before the Chief Judicial Magistrate, Villupuram. The learned counsel has also sent an e-mail to that effect.

3. The learned Additional Public Prosecutor would submit that the trial has been commenced and some of the witnesses have been examined in this case. He would further submit that 161 statements have been recorded.

4. In view of the oral submission and acknowledgment made by the learned counsel for the petitioner by way of e-mail, this criminal original petition is dismissed as withdrawn. Since, the appearance of the co-accused is dispensed with by this Court, the personal appearance of the petitioner also dispensed with. However, the petitioner shall be present before the Court at the time of furnishing of copies, framing charges, questioning under Section 313 Cr.P.C. and at the time of passing judgment. Moreover, considering that the case is of the year 2016, the learned Chief Judicial Magistrate, Villupuram is directed to complete the trial in C.C. No. 1 of 2016 within a period of six months from the date of receipt of a copy of this order.

5. Accordingly, this criminal original petition is dismissed as withdrawn. Consequently, connected miscellaneous petitions is closed.

Sd/-
Assistant Registrar(CS-I)

//True copy//

Sub Assistant Registrar

smn

To

1.The Chief Judicial Magistrate,
Villupuram.

2. The Additional Superintendent of Police,
The Crime Branch C.I.D,
Villupuram Range,
Villupuram, (Crime no.5 of 2014)

3.The Public Prosecutor,
Madras High Court,
Chennai.

Cr1.O.P.No. 7051 of 2020
and
Cr1.M.P.No.3830 of 2020

SVI (CO)
GMY (09/09/2020)