



Crl.R.C.No.612 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.R.C.No.612 of 2023
& Crl.M.P.Nos.4629 and 4627 of 2023

M.Prakash

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Special Investigation Cell,
Chennai-16.

(Crime No.7/2017/AC/HQ).

... Respondent

Prayer in Crl.R.C.No.612 of 2023: Criminal Revision Petition filed under section 397 r/w. 401 Cr.P.C., pleaded to set aside the order passed in C.M.P.No.1898 of 2022 dated 13.02.2023 in Spl.C.C.No.9 of 2019 on the file of Special Judge and Chief Judicial Magistrate, Tiruvallur.

Prayer in Crl.M.P.No.4629 of 2023: Criminal Miscellaneous Petition filed under Section 482 of Cr.P.C., pleaded to dispense with my personal appearance in Spl.C.C.No.9 of 2019 on the file of Special Judge and Chief Judicial Magistrate, Tiruvallur.



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For Petitioner : Mr.C.Turibius Beski
for Mr.T.Ravi
For Respondent : Mr.N.S.Suganthan
Government Advocate (crl.side)

COMMON ORDER

The learned counsel for the petitioner would submit that the Revision has been filed against dismissal of the petition filed, which was for discharge. However, he would submit that pending the revision, the Trial Court has now framed charges and the case now stands posted for examination of L.W.1 on 08.05.2023. He would submit that the case of the prosecution is borne out by documents and the presence of the petitioner may not be required for all hearing dates. He would further submit that this Criminal Revision Petition may be dismissed as withdrawn and he would only seek that the presence of the petitioner before the trial Court may be dispensed with.

2. In reply, the learned Government Advocate (Crl.Side) would submit that it is a case where the witnesses have to identify the person during the course of the trial and the petitioner has to appear on the date when his



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presence is required and thereby, he has raised objections.

3. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.side) and perused the materials available on record.

4. Consideration of the facts and circumstances and the submission made by the learned counsel for the petitioner, this Criminal Revision Petition is dismissed as withdrawn. However, the presence of the petitioner before the trial Court is dispensed with on condition that the petitioner shall file an affidavit of undertaking that he will be duly represented by a counsel on all hearing dates without fail and that he will appear before the Court as and when his presence is insisted by the trial Court without fail, for the purpose of identification. He shall also appear before the Court when the case is posted for questioning under Section 313 of Cr.P.C. and on the date of judgment. It is made clear that the petitioner shall cross examine the witnesses on the same day of their examination in chief. Connected Crl.M.P.No.4627 of 2023 is closed.

24.04.2023



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A.D.JAGADISH CHANDIRA.,J.

mpa

To

1. The Special Judge and Chief Judicial Magistrate, Tiruvallur.
2. The Inspector of Police,
Vigilance and Anti-Corruption,
Special Investigation Cell,
Chennai-16.
3. The Public Prosecutor,
High Court of Madras.

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