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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2023

CORAM:

THE HONOURABLE **MR. JUSTICE K.K.RAMAKRISHNAN**

CrI.O.P.(MD) No.4975 of 2021

and

CrI.M.P(MD).Nos.2849 and 2850 of 2021

Asarap Ali

... Petitioner/Accused(Single)

Vs.

1.The State Rep. by

The Inspector of Police,

R.S.Mangalam Police Station,

Ramanathapuram District.

(Crime No.163 of 2018)

... Respondent/Complainant

2. Seeniseiyathu

... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.

praying to call for the entire records pertaining to the case in C.C.No.51



of 2020 pending on the file of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District and quash the same as against the petitioner.

For Petitioner : Mr.R.Anand

For Respondent : Mr.P.Kottaichamy,

Government Advocate(Crl.Side)

for R1

ORDER

When the matter is taken up for hearing the learned counsel for the petitioner submitted that even though there are some arguable points in this petition, he seeks permission of this Court to withdraw this petition with liberty to raise all the points before the trial Court at the time of trial. He further requested this Court to dispense with the appearance of the petitioner before the trial Court during trial. He also submitted that since this case is pending from 2020 onwards, this Court may issue a direction to the trial Court to dispose the case within a time frame.



2. This Court is inclined to accept the request of the petitioner.

Hence, this petition is dismissed as withdrawn with the following directions:

1. The learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District, is directed to dispose the case in C.C.No.51 of 2020 within a period of six months from the date of receipt of a copy of this order.
2. The petitioner is directed to raise all the points before the trial Court.
3. The appearance of the petitioner is dispensed with before the trial Court on all hearing dates except the following hearings:
 - (i) The date of furnishing copies under Section 207 Cr.P.C, and initial questioning to answer the charges;
 - (ii) The date of questioning under Section 313 Cr.P.C;
 - (iii) On the date of Judgement.

3.1. The petitioner is directed to give an undertaking in the form of affidavit that he will be duly represented by a counsel on all hearing dates.

3.2. The petitioner shall not dispute the identity of the witnesses.

3.3. The petitioner shall appear before the Court in the event his



presence is insisted by the trial judge for the purpose of identification.

3.4. If the petitioner adopt 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 miscellaneous petitions are closed.

08.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

vsg

To

1. The Judicial Magistrate,
Thiruvadanai, Ramanathapuram District.
2. The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,



Madurai.

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K.K.RAMAKRISHNAN, J.

vsg

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