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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.O.P.(MD).No.7082 of 2023

and

CRL.M.P.(MD)Nos.6136 and 6138 of 2023

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: Petitioner

Vs.

1.State rep.by the Inspector of Police,
Vigilance and Anti-Corruption Act,
Pudukkottai.

2.Neethiman

: Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in Spl.S.C. No.3 of 2020 on the file of the Court of Chief Judicial Magistrate, Pudukkottai and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.I.Arockia Selvaraj

For R1 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to call for the records relating to the proceedings in



Spl.S.C.No.3 of 2020 on the file of the Court of Chief Judicial Magistrate, Pudukkottai and quash the same in so far as the petitioner is concerned.

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2. When the matter is taken up for hearing today (i.e., 18.04.2023), the learned counsel Additional Public Prosecutor appearing for the State would submit that the petitioner has earlier filed a petition in Cr.M.P.No. 702 of 2020 in C.C.No.3 of 2020 on the file of the Chief Judicial Magistrate, Pudukkottai, seeking discharge and the learned Chief Judicial Magistrate, after enquiry, has passed an order dismissing the said petition. Aggrieved by the said dismissal, the petitioner has preferred a revision in CrI.R.C.(MD)No.1217 of 2022 before this Court and this Court, by observing that the points/aspects raised by the petitioner, are mater for trial, dismissed the revision.

3. At this juncture, the learned counsel for the petitioner would submit that the petitioner is now working as PRO\Public Relations Officer at Ramanathapuram and it is very difficult to travel from Ramanathapuram to Pudukkottai to attend the hearings; that the petitioner is ready to withdraw the quash petition and that the personal appearance may be dispensed with.



4. Considering the facts and circumstances of the case and also the submission made by the learned counsel for the petitioner, permission is granted. This Criminal Original Petition is dismissed as withdrawn and the personal appearance of the petitioner before the trial Court is ordered to be dispensed with, on conditions that he shall appear at the time of initial questioning, proceedings under Section 313 of Cr.P.C., and at the time of passing judgment and on the hearings, specifically directed by the trial court. 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 her will cross examine the prosecution witnesses on the same day they are examined in chief. The petitioner shall not dispute the identity of the witnesses. The petitioner shall appear before the Court in the event his presence is insisted by the trial judge for the purpose of identification. 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, CRL.M.P.(MD)No.6136 of 2023, is closed and CRL.M.P.(MD)No.6138 of 2023 is ordered.

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18.04.2023



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CRL.O.P.(MD).No.7082 of 202



K.MURALI SHANKAR, J.

das

To

- 1.The Chief Judicial Magistrate,
Pudukkottai.
- 2.The Inspector of Police,
Vigilance and Anti-Corruption Act,
Pudukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P.(MD).No.7082 of 2023
and
CRL.M.P.(MD)Nos.6136 and 6138 of 2023

18.04.2023