



1 *Crl.O.P.(MD) No.14397 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2023

CORAM:

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

Crl.O.P.(MD) No.14397 of 2020
and
Crl.M.P(MD)Nos.6730 and 6731 of 2020

Rajkumar @ Kodiyanukulam Kumar ... Petitioner/ Accused No.1

Vs.

1. The State Rep. by its
The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Crime No.413 of 2013)

... Respondent/Complainant

2. Annadurai @ Arulraj ... Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.
praying to call for the records pertaining to the case in P.R.C.No.24 of
2014 on the file of the Chief Judicial Magistrate Court, Tirunelveli and
Quash the same as illegal as for as the petitioner is concerned.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)
for R1



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ORDER

When the matter is taken up for hearing today, the learned Government Advocate (Crl. Side) appearing for the first respondent, on instructions, submitted that after completed the committal proceedings, the case was taken on file in S.C.No.750 of 2023 on the file of the learned Chief Judicial Magistrate, Tirunelveli. The said submission is recorded.

2.The learned counsel appearing for the petitioner submitted that even though he has some points to argue the case before the Court, in view of the development of the committal proceedings, he seeks permission of this Court to withdraw this petition with liberty to raise all the points before the trial Court. He further submitted that considering the age and occupation of the petitioner, this Court may dispense with the appearance of the petitioner before the trial Court during trial.

3.Considering the submission made by the petitioner, this Court is inclined to accept the request of the petitioner. Recording the said



submission and endorsement, this Criminal Original Petition is dismissed as withdrawn. Further, 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 petitioners in accordance with the judgment of Supreme Court of India in *State of Uttar Pradesh Vs. Shambunath Singh*, reported in **2001 (4) SCC 667**.



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Consequently, the connected Crl.M.P.(MD).No.6731 of 2020 is ordered
and Crl.M.P.(MD).No.6730 of 2020 is closed.

21.11.2023

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

To

1. The Chief Judicial Magistrate,
Tirunelveli.
2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

PJL

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