

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.22157 of 2015
and
M.P.Nos.1 and 2 of 2015

1.M.S.Muneer Khan
2.M.Shabirulla Khan
3.M.Ameed Khan
4.M.Sabeera Bee
5.I.Thahira Bee
6.M.Mumtaj Begam

...Petitioners/Accused 1 - 6

Vs.

1. The State rep by
The Inspector of Police,
Special Cell, Prevention of Land Grabbing,
District Crime Branch,
Kanchipuram.

...1st Respondent/Complainant

2. J.Ramesh

...2nd Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., praying to call for the records and quash the P.R.C. No.32 of 2015 on the file of the Learned Judicial Magistrate-I at Kanchipuram.

For Petitioner : Mr.G.Devi

For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to quash the P.R.C. No.32 of 2015 on the file of the learned Judicial Magistrate-I at Kanchipuram.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent.

3. When this Court was about to dismiss this petition on merits, the learned counsel for the petitioner sought permission to withdraw this petition and has made an endorsement to that effect. In view of the same, this Criminal Original Petition is dismissed as withdrawn. Consequently, the connected miscellaneous petitions are closed.

4. At this juncture, the learned counsel for the petitioner submitted that some of the accused are pardanashin ladies and their presence before the Trial Court could be dispensed with.

5. At present, the case is in the stage of committal in P.R.C.No.32 of 2015 and therefore the presence of the accused before the committal court cannot be dispensed with. The petitioners shall co-operate with the Court below to expedite the committal proceedings. After the case is committed by the Court of Sessions and charges are framed, the presence of Sabeera Bee (A4), Thahira Bee (A5) and Mumtaj Begam (A6) is dispensed with on condition that, they give an undertaking before the Court that, they will not dispute their identity and that their counsel will conduct the Trial by cross-examining the witnesses in their absence and that they will not adopt any dilatory tactics to prolong the trial. If the accused adopts any dilatory tactics, it is open to the Trial Court to insist upon the presence of the accused before the Court. The said accused viz., A4, A5 and A6 shall appear before the Trial Court for receiving copies under Section 207 of Cr.P.C. for framing charges and for questioning under Section 313 of Cr.P.C., and on the date of judgment.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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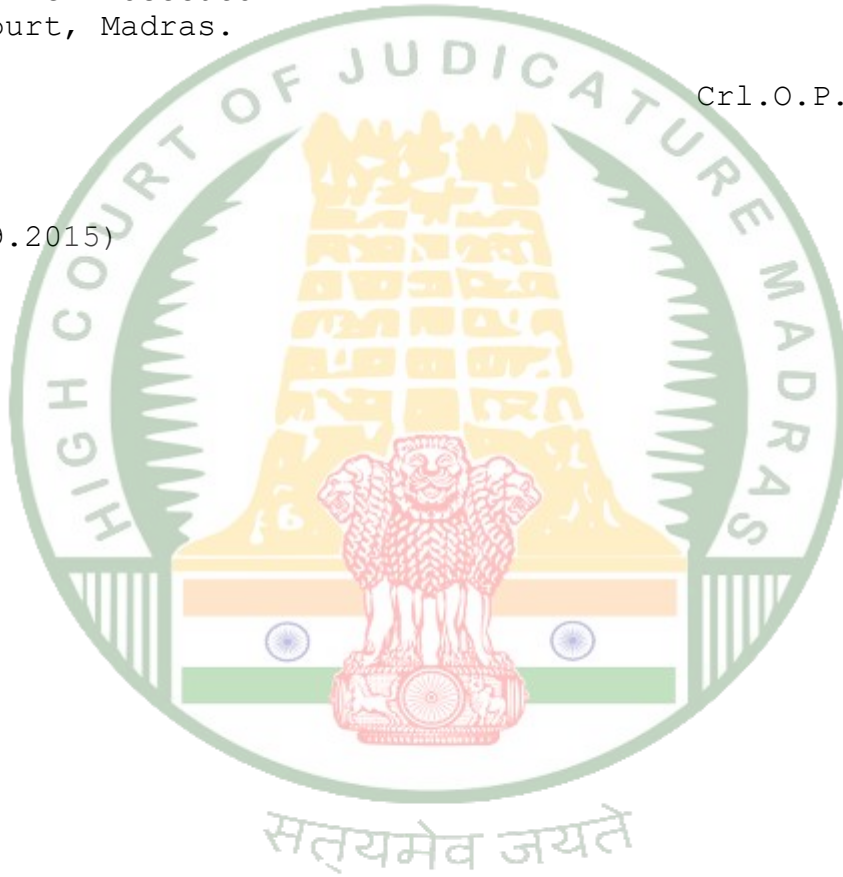
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To

1. The Inspector of Police,
Special Cell, Prevention of Land Grabbing,
District Crime Branch,
Kanchipuram.
2. The Judicial Magistrate-I
Kanchipuram.
3. The Public Prosecutor
High Court, Madras.

CrI.O.P.No.22157 of 2015

TM (CO)
PSI (25.09.2015)



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