

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **10.06.2015**

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.32171 of 2013
and M.P.Nos.1 and 2 of 2013

1.K.M.Ramesh
2.Rajeswari @ Rajarajeswari ... Petitioners

Vs

1.The Inspector of Police,
Central Crime Branch Team XVIII,
Thousand Lights,
Chennai-600 006.

2.R.Nagaraj ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in CC.No.311 of 2012 on the file of the learned Judicial Magistrate, Alandur, Kancheepuram District and quash the same.

For Petitioners :Mr.AR.L.Sundaresan
Senior Counsel foreseeable
M/s.G.V.Sridharan

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

ORDER

This petition has been filed to call for the records in CC.No.311 of 2012 on the file of the learned Judicial Magistrate, Alandur, Kancheepuram District and quash the same.

2. When this case was posted for hearing on 08.06.2015, the learned Additional Public Prosecutor submitted that four witnesses have been examined in CC.No.311 of 2012 on the file of the learned Judicial Magistrate, Alandur, Kancheepuram District and this Court recorded his submission. At that juncture, the learned counsel for the petitioners sought permission of this Court to withdraw this petition and permission was granted. Thereafter, the learned Additional Public Prosecutor represented that he had mistakenly made such a representation and no witness has been examined before the trial Court. Therefore, this case is posted today under the caption "For being spoken to".

3. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the 1st respondent and perused the material placed on record.

4. The learned counsel for the petitioners reiterated that permission may be granted for the petitioners to withdraw the quash petition to raise all the points before the trial Court and also for dispensing with the personal appearance of the petitioners before the trial Court and he has also made an endorsement to that effect.

5. In view of the endorsement made, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioners to raise all the issues before the trial Court.

6. As regards the request for dispensing with the personal appearance as the 1st petitioner is 64 years old, this Court directs the petitioners to appear before the trial Court for collecting the papers under Section 207 CrPC, for answering the charge, for answering questions under Section 313 CrPC and on the day of Judgment. For the other hearings, the petitioners shall file a petition before the trial Court that their counsel will cross examine the witnesses without insisting for their presence and that they will not dispute their identity. On such petition being filed, the trial Court is directed to liberally consider the same. Consequently, connected Miscellaneous Petitions are closed.

10.06.2015

mps

To

1. The Inspector of Police,
Central Crime Branch Team XVIII,
Thousand Lights,
Chennai-600 006.

2. The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH,J,

mps

Crl.OP.No.32171 of 2013
& M.P.Nos.1 and 2 of 2013

10.06.2015