

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10199 of 2016

&

Crl.M.P. Nos.5433 & 5434 of 2016

Malliga

Petitioner

Vs.

1 The State represented by
the Inspector of Police
All Women Police Station
Pudhucherry

2 Anitha

Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the charge sheet in C.C. No.2 of 2016 on the file of the Chief Judicial Magistrate, Pudhucherry and quash the same.

For petitioner Mr. M.Senthil Kumar

For R1

Mr. A. Govindarajan
Additional Public Prosecutor (Pondy)

ORDER

When this Court was about to dismiss this petition on merits, the learned counsel for the petitioner sought permission of this Court to withdraw the same and has also made an endorsement to that effect. At this juncture, the learned counsel for the petitioner sought to dispense with the personal appearance of the petitioner before the Chief Judicial Magistrate, Pudhucherry in C.C. No.2 of 2016.

2 In view of the above endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn. The petitioner is directed to be present for receiving the complaint, for answering the charge, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. The petitioner shall file an affidavit of undertaking before the Trial Court; that she will not dispute

her identity; that her counsel will cross-examine the prosecution witnesses on the day they are examined in chief and that she will not adopt dilatory tactics. On such undertaking, the Trial Court shall dispense with the personal appearance of the petitioner. If the petitioner adopts dilatory tactics, the Trial Court can insist on her presence. Connected Crl.M.P. No.5433 of 2016 is closed.
cad

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Chief Judicial Magistrate, Puducherry
- 2 The Public Prosecutor
High Court of Madras
Chennai 600 104
- 3 The Inspector of Police
All Women Police Station
Pudhucherry

KR/23/6/16

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सत्यमेव जयते
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