

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.14723 of 2016
and
CrI.MP.Nos.7344 & 7345 of 2016

Dr.Amjath Ibrahim
Director,
M/s.Karaikal Medical Centre
36, Neelakidangu Street,
Karaikal.

..Petitioner/Accused No.2

Vs

Government of Union Territory
of Puducherry
Rep.by The Deputy Director
(Immunisation)
Health Department
Karaikal - cum - Appropriate Authority
for Sub District, Karaikal,
Under Pre-conception and
Pre-natal Diagnostic Techniques
(Prohibition of Sex selection) Act, 1994
(Central Act No.57 of 1994).

..Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure to call for the entire records
relating to the complaint in C.C.No.103 of 2015 on the file
of the Judicial Magistrate II, Karaikal and quash the same.

For Petitioner :Mr.Ilanthiraiyan
for M/s.Sai Bharath And Ilan

For Respondent : Mr.M.R. Thangavel (App) Pondy

ORDER

This criminal original petition has been filed to call
for the entire records with relates to the complaint in
C.C.No.103 of 2015 on the file of the Judicial Magistrate II,
Karaikal and quash the same.

2.Heard the learned counsel appearing for the petitioner.

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 he has also made an endorsement to that effect.

4. In view of the above, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court. Consequently, connected miscellaneous petitions are closed.

5. At this juncture, the learned counsel for the petitioner prayed for dispensing with the personal appearance of Dr.Amjath Ibrahim in the Trial Court.

6. Accepting the submission of the learned counsel for the petitioner, the petitioner is directed to surrender before the trial Court and on his appearance, he shall be released on bail under Section 436 Cr.P.C. on his executing a bond for Rs.5,000/- [Rupees five thousand only] with two sureties to the satisfaction of the Learned Magistrate, so that he will be entitled to the benefits u/s 389(3) Cr.P.C. Thereafter, the presence of the petitioner before the trial Court is dispensed with, on condition that he shall file an affidavit before the trial Court that he will not dispute his identity and that his counsel will cross-examine the witnesses when he examined in-chief, as held by the Hon'ble Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MCJ [CrI] 288. The petitioner shall be present before the trial Court for receiving the charge sheet, for answering charge, for questioning under Section 313 Cr.P.C. and on the date of judgment. On other hearings, if he files an application for dispense with, the same shall be permitted by the trial Court. If the petitioner adopts any dilatory tactics, it is open to the trial Judge to require the presence of the petitioner and take steps to remand him to custody under Section 309 Cr.P.C. as held by the Hon'ble Supreme Court in State of Uttarpradesh Vs Shambu Nath Singh reported in JT 2001[4] SC 319.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Judicial Magistrate II,
Karaikal

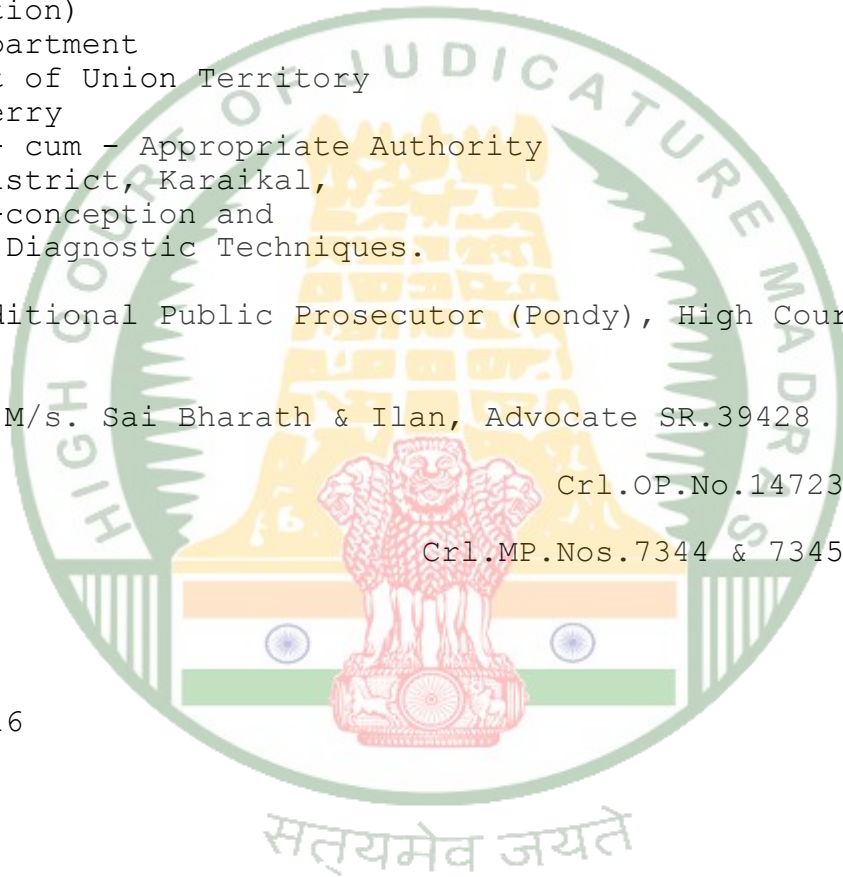
2.The Deputy Director
(Immunisation)
Health Department
Government of Union Territory
of Puducherry
Karaikal - cum - Appropriate Authority
for Sub District, Karaikal,
Under Pre-conception and
Pre-natal Diagnostic Techniques.

3. The Additional Public Prosecutor (Pondy), High Court,
Madras.

+ 1 cc to M/s. Sai Bharath & Ilan, Advocate SR.39428

Crl.OP.No.14723 of 2016
and
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AK(CO)
Eu 10.08.16



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