

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.07.2015

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.8387 of 2015

and MP.Nos.1,2 of 2015

1.Senthil
2.Navaneedham
3.Sridevi

... Petitioner/Accused

Vs

1.The State rep. by
The Inspector of Police,
W-5, All Women Police Station,
Vepery,
Chennai-7.

2.P.Chandralakshmi

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to call for the entire records connected with the case in
C.C.No.10332 of 2014 pending before the learned Judicial
Magistrate-I, Nagapattinam and quash the same.

For Petitioners : Mr.S.Jayakumar

For 1st Respondent : Mr.C.Emalias, APP

O R D E R

When this Court was about to dismiss the case on merits,
learned counsel for the petitioners seeks permission of this
Court to withdraw this petition and he has also made an
endorsement to that effect.

2. In view of the above endorsement made by the learned
counsel for the petitioners, this petition is dismissed as
withdrawn, with liberty to the petitioners to raise all the
contentions before the trial court.

3. At this juncture, learned counsel for the petitioners submitted that the presence of Navaneedham/A3 before the trial Court could be dispensed, as she is 75 years old and that she is not able to climb the staircase to reach the trial Court.

4. Accepting his submission, personal appearance of Navaneedham/A3 before the trial Court is dispensed with, on condition that she shall file an affidavit before the trial Court that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses on the day, they are examined in-chief, without adopting any dilatory tactics as held by the Hon'ble Supreme Court in Vinodh Kumar Vs State of Punjab 2015[1] MCJ [CrI] 288 and that she shall be present before the trial Court for receiving the charge sheet under Section 207 Cr.P.C., for answering charges, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. If she adopts dilatory tactics, the trial Court can insist on her presence for other hearings. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.I,
Nagapattinam.

2.The Inspector of Police,
W-5, All Women Police Station,
Vepery, Chennai-7.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Jayakumar, Advocate Sr.42435

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MP 1[co]
srg 12/08/2016