

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM

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

Crl.O.P. Nos.22129, 22130 and 20737 of 2013

M.P.Nos.1, 1 and 1 of 2013 &

Crl.M.P.Nos.10715 and 10716 of 2016

M.Thirupathy

Petitioner in all Crl.OPs.
Accused-3

vs.

M/s Shriram City Union Finance Limited

221, Royapettah High Road

Mylapore, Chennai 600 004

rep by Mr.N.Ganesan

Respondent in all Crl.OPs.

Defacto Complainant

Criminal Original Petitions filed under Section 482, Cr.P.C. to call for the records in C.C.Nos.1579 of 2011, 4388 of 2012 and 1577 of 2012 on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai and quash the entire proceedings.

For petitioner Mr.R.Muniyapparaj

For Respondent Mr.R.Umashankar

ORDER

When this Court was about to dismiss these cases on merits, the learned counsel for the petitioner sought permission of this Court to withdraw these petitions and he has also made an endorsement to that effect. Permission is granted. Accordingly, these petitions are dismissed as withdrawn. Consequently, connected miscellaneous petitions are closed.

2. At this juncture, the learned counsel for the petitioner submitted that the presence of the petitioner before the trial Court may be dispensed with.

3. Accepting his submission, the petitioner is directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, he shall be released on bail on the same day u/s 436 Cr.P.C., on furnishing a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties to the like sum to the satisfaction of the XVIII Metropolitan Magistrate, Saidapet, Chennai and thereafter, his presence before the trial Court shall be dispensed with on condition that, he shall 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. He shall file an affidavit of undertaking before the Trial Court that he will not dispute his identity and that the counsel named by him in the affidavit will cross-examine the prosecution witnesses on the day they are examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab, [2015 (1) MLJ (Crl.) 288]. If the petitioner adopts any dilatory tactics, it is open to the Trial Court to insist upon his presence and remand him to custody as laid down by the Supreme Court in State of Uttar Pradesh vs. Shambhu Nath Singh [JT 2001 (4) SC 319]. If thereafter the petitioner absconds, the trial Court shall direct registration of an FIR against him u/s 229-A IPC.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

To

1. XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The Public Prosecutor, High Court, Madras.

+3 ccs to Mr.R.Muniyapparaj Advocate sr 70450

+3 ccs to M/s.R.Shankar Associates sr 70414 to 70416

Crl.O.P. Nos.22129,22130 & 20737 of 2013

sr(co)

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