

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM:

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

Crl.O.P. No.22378 of 2016

Dr. N. Sethuraman

Petitioner

vs.

1 Dr. S. Brathiba

2 The State represented by
the Inspector of Police
J-1 Saidapet Police Station
Chennai - 15
(Cr. No.3752 of 2012)

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to set aside the order passed by the Principal District and Sessions Judge, Chennai in C.M.P. No.19016 of 2015 dated 21.06.2016 and cancel the bail granted to the first respondent in Crl.M.P. No.1663 of 2015 dated 29.05.2015 by the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

For petitioner Mr. Subramaniam, Sr. Counsel

for Mr. S. Punniakodi

For R1

Mr. B. Kumar, Sr. Counsel
for Mr. Thilageswaran

For R2

Mr. R. Ravichandran
Government Advocate - Criminal Side

ORDER

This Criminal Original Petition has been filed seeking to set aside the order passed by the Principal District and Sessions Judge, Chennai in C.M.P. No.19016 of 2015 dated 21.06.2016 and cancel the bail granted to the first respondent in Crl.M.P. No.1663 of 2015 dated 29.05.2015 by the XVIII Metropolitan Magistrate Court, Saidapet, Chennai.

2 Today, Mr. K. Vijayakumar, Inspector of Police, J-1, Saidapet Police Station is present.

3 It is seen that Dr. S. Brathiba, the first respondent herein, was arrested by the second respondent police in Cr. No.3752 of

2012 on 17.05.2015, when she landed at the Delhi airport, pursuant to the look out circular that was issued against her and was remanded to custody by the XVIII Metropolitan Magistrate, Saidapet, Chennai. She was enlarged on bail by the XVIII Metropolitan Magistrate, Saidapet, Chennai in M.P. No.1663 of 2015 on 29.05.2015, aggrieved by which, Dr. Sethuraman, the de facto complainant, filed Crl.M.P. No.19016 of 2015 before the Principal District and Sessions Court, Chennai, under Section 439, Cr.P.C. for cancellation of bail. On 21.06.2016, the Principal District and Sessions Court, Chennai,, dismissed Crl.M.P. No.19016 of 2015 as there was no representation for and on behalf of Dr. Sethuraman, the petitioner herein. Aggrieved by the order of dismissal dated 21.06.2016 passed by the Principal District and Sessions Court, Chennai, Dr. Sethuraman has preferred the present Criminal Original Petition for setting aside the same and also for cancellation of bail that was granted to Dr. S. Brathiba by the XVIII Metropolitan Magistrate, Saidapet, Chennai in M.P. No.1663 of 2015.

4 Mr. S. Ramachandran, learned counsel, took notice and entered appearance for Dr. S. Brathiba.

5 Today, it is represented by the learned counsel for the parties that the XVIII Metropolitan Magistrate Court, Chennai, has cancelled the bail granted to Dr.S. Brathiba on 05.12.2016. A copy of the adjudication order dated 05.12.2016 reads as under:

"A3, A4 NBW is pending. Notice to A3 called absent. Not appeared before this Court. Hence, bail of A3 in M.P. No.1663/15 dated 29.05.15 stand cancelled. Further proceedings. Call on 20.12.16."

In view of the above, this Criminal Original Petition has become infructuous and accordingly, the same is closed as having become infructuous.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Inspector of Police
J-1 Saidapet Police Station
Chennai - 15
- 2 The Principal District and Sessions Judge
Chennai

WEB COPY

3 The XVIII Metropolitan Magistrate Court
Saidapet
Chennai

CO-SCD
ths : 02.01.2017

CrI.O.P. No.22378 of 2016



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