

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Criminal Original Petition No.22723 of 2016
and
Crl.M.P.No.10598 of 2016

A.Abubacker ... Petitioner/Accused 6

-Versus-

1. The Inspector of Police,
S11, Tambaram Police Station,
Chennai.
[Crime No.65 of 2015] ... 1st Respondent/Complainant
2. Rukmani,
Village Administrative Officer,
Tambaram Village,
Chennai 600 045. ... 2nd Respondent/Defacto
Complainant

Prayer: This petition is filed under Section 482 Cr.P.C. praying to call for the entire records relating to the case in S.C.No.170 of 2015 on the file of the learned District and Sessions Judge, Chengalpattu and to quash the said case.

For Petitioner : Mr.M.Muthalagu

For Respondent(s) : Mr.C.Emalias,
Additional Public Prosecutor
for R1

ORDER

Heard Mr.M.Muthalagu, learned counsel appearing for the petitioner and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the 1st respondent.

2. When this court was about to dismiss this petition on merits, the learned counsel for the petitioners sought permission to withdraw this petition, with liberty to raise all the points before the Trial Court and has made an endorsement to that effect. According to him, the petitioner/accused has been regularly appearing before the trial court, but, one or the other accused are not appearing and that they only prevent the trial.

3. In view of the submission and endorsement made, the trial court shall ensure that all the accused appear and if any of the accused absconds, a fresh FIR can be registered under Section 229-A of IPC by the 1st respondent police. The accused or the counsel appearing on his behalf shall cross examine the witnesses on the same day when they are examined in chief as held by the Hon'ble Supreme Court in Vinod Kumar v. State of Punjab, 2015 (3) SCC 220. If any of the accused adopts any dilatory tactics, it is open to the trial court for remanding him to custody under Section 309 of Cr.P.C., as held by the Supreme Court in State of U.P. v. Shambhu Nath Singh, reported in 2001 (4) SCC 667. The trial court is further directed to complete the trial within a period of six months from the date of receipt of a copy of this order. It is open to the accused to raise all the points before the trial court.

4. In the result, this criminal original petition is dismissed as withdrawn with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District and Sessions Judge,
Chengalpattu,
Kanchipuram District.

2.The Inspector of Police,
S11, Tambaram Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Muthulagan, Advocate, S.R.No.57576

Cr1.O.P.No.22723 of 2016

CA(CO)
CA(21/11/2016)