

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

CORAM

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

CrI.O.P. No.23660 of 2016

and

CrI.M.P.Nos.11166 and 11167 of 2016

R.Shalini

... Petitioner

Vs.

J.Siluvai Saroja

.... Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records pertaining to the proceedings in C.C.No.1007 of 2015 pending on the file of the learned Metropolitan Magistrate XV, George Town, and quash the same.

For Petitioner : Mr.D.Vincent Prabakar

ORDER

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 Accordingly, this petition is dismissed as withdrawn.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

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

3. Accepting the said 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 furnish a bond u/s 88 Cr.P.C. for a sum of Rs.10,000/- [Rupees ten thousand only] without sureties and thereafter, her presence before the trial Court shall be dispensed with on condition that she shall be present for receiving the charge sheet, for answering the charge, at the time of questioning under Section 313, Cr.P.C. and at the time of passing judgment. She shall file an affidavit of undertaking before the Trial Court that she will not dispute her identity and that the counsel named by her 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 her presence and remand her 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 her u/s 229-A IPC.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Metropolitan Magistrate XV,
George Town.

2.The Public Prosecutor,
High Court, Madras.

+3cc's to Mr.D.Vincent Prabakar, Advocate, S.R.No.62351

CrL.O.P. No.23660 of 2016

KJI (CO)
CA(25/11/2016)

सत्यमेव जयते

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