

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.23922 of 2016

and Crl.MP.No.11370 of 2016

1.Chandrakanth A.Mehta

2.Paras C.Mehta

.. Petitioners

Vs.

The State Rep. By

Mrs.G.Ammukutty

Drug Inspector, George Town Range,

Office of the Assistant Director of Drugs Control,

Zone I, D.M.S. Campus,

259-261, Anna Salai, Teynampet,

Chennai - 600 006.

.. Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records in C.C.No.1972 of 2016 pending on the file of the XV Metropolitan Magistrate, George Town, Chennai and quash the same.

For Petitioners

: Mr.Yusuf

for M/s.Nathan and Associates

For Respondents

: Mr.C.Emalias [for R1]

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed praying to quash the proceedings in C.C.No.1972 of 2016 pending on the file of the XV Metropolitan Magistrate, George Town, Chennai and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the trial has begun in this case and prosecution has started examining the witness. In a case where the trial has began, this Court will not

interfere under Section 482 Cr.P.C to quash the charge sheet.

4. At this juncture, the learned counsel appearing for the petitioners sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

5. In view of the submission and endorsement made, this Criminal Original Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed.

6. However, the learned counsel appearing for the petitioners made a passionate plea that the first accused is aged about 72 years and his presence before the trial Court may be dispensed with.

7. Taking into consideration the submissions of the learned counsel for the petitioner, this Court directs the first petitioner to appear before the trial Court, 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. The first petitioner 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 and that he will not adopt dilatory tactics. On such undertaking, the trial Court shall dispense with the personal appearance of the first petitioner. If the first petitioner adopts any dilatory tactics, the trial Court can insist on his presence.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

ds

To:

1.Mrs.G.Ammukutty

Drug Inspector, George Town Range,
Office of the Assistant Director of Drugs Control,
Zone I, D.M.S. Campus,
259-261, Anna Salai, Teynampet,
Chennai - 600 006.

2.The Public Prosecutor,
High Court, Madras.

rp(CO)
md(10/12/2016)

Cr1. O.P. No.23922 of 2016



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