

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2016

CORAM

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

Cr1.O.P. No.24510 of 2016

and Cr1.M.P.Nos.11740 and 11741 of 2016

K.R.Vinayagam

Petitioner

vs.

State rep by
Inspector of Police
CSCID
Pollachi
Coimbatore District
Cr.No.314/2015

Respondent

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records relating to C.C.No.130 of 2015 on the file of the Judicial Magistrate No.IV, Coimbatore and quash the same.

For petitioner Mr.M.N.Balakrishnan

For Respondent Mr.C.Emalias

Additional Public Prosecutor

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 Accordingly, this petition is dismissed as withdrawn with liberty to raise also points before the trial Court. 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 presence of the petitioner before the trial Court shall be dispensed with on condition

that, he 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. 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 (Cr1.) 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 her u/s 229-A IPC.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

- 1.The Inspector of Police
CSCID, Pollachi, Coimbatore District.
- 2.The Judicial Magistrate No.IV, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.

सत्यमेव जयते Cr1.O.P. No.24510 of 2016

MD : 22/11/2016

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