

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2016

CORAM:

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

Crl.O.P.No.24707 of 2016 & Crl.M.P. Nos.11880 & 11881 of 2016

1 Kanagasabai

2 Vaanmathi Petitioners

Vs.

State by
the Inspector of Police
W-14, All Women Police Station
Thiruvottiyur Police Station
Chennai
(Crime No.9 of 2013) Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in C.C. No.15 of 2016 on the file of the Judicial Magistrate, Thiruvottiyur, Chennai and quash the proceedings as against the petitioners.

For petitioners Mr. K. Shanker

For respondent Mr. C. Emalias
Additional Public Prosecutor

ORDER

When this Court was about to dismiss this petition on merits, the learned counsel for the petitioners sought permission of this Court to withdraw the same and has also made an endorsement to that effect. At this juncture, the learned counsel for the petitioners sought to dispense with the personal appearance of the petitioners before the Judicial Magistrate, Thiruvottiyur, Chennai, in C.C. No.15 of 2016.

2 In view of the above submission and endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn. The petitioners are directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order and on their surrender, they shall be released on bail on the same day, on furnishing a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties to the like sum to the satisfaction of the trial Court. Thereafter, their presence before the trial Court shall be dispensed with on condition that, they 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. They shall file an affidavit of undertaking before the Trial Court that they will not dispute their identity and that the counsel named by them 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 (CrI.) 288]. If the petitioners adopt any dilatory tactics, it is open to the Trial Court to insist upon their presence and remand them 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 them u/s 229-A IPC. Connected CrI.M.Ps. are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1 The Inspector of Police
W-14, All Women Police Station
Thiruvottiyur Police Station, Chennai
- 2 The Judicial Magistrate
Thiruvottiyur, Chennai
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104

CrI.O.P. No.24707 of 2016

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