

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2016

CORAM

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

Crl.O.P. No.25016 of 2016

and Crl.M.P.Nos.12120 and 12121 of 2016

1.Justin Devadoss @ David
2.Bella Justin

Petitioners

vs.

1.State rep by its
The Deputy Superintendent of Police
Economic Offences Wing-II
Anna Nagar
Chennai 600 040.

2.D.Ragothaman

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in C.C.No.01 of 2014 now pending on the file of the learned Special Judge for the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 Chennai 600 104 and quash the same so far as it relates to the petitioners/accused 8 & 9 herein.

For petitioners Mr.D.Dayalan

For R1 Mr.C.Emalias

Additional Public Prosecutor

ORDER

When this Court was about to dismiss the case on merits, the learned counsel for the petitioners 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 Accordingly, this petition is dismissed as withdrawn with liberty to raise all points before the trial Court. Consequently, connected miscellaneous petitions are closed.

2. At this juncture, the learned counsel for the petitioners submitted that Bella Justin [A9] is a lady and her presence before the trial Court may be dispensed with.

3. Accepting his submission, the presence of Bella Justin [A9] 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 (Cr1.) 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/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Special Judge for the Tamilnadu,
Protection of Interest of Depositors (in Financial
Establishments Act 1997) Chennai-104.

2.The Deputy Superintendent of Police
Economic Offences Wing-II
Anna Nagar
Chennai 600 040.

3.The Public Prosecutor,
High Court, Madras.

+1 cc to mr.D.Dayalan,advocate,sr.65800.

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krd 14/12

सत्यमेव जयते

Cr1.O.P. No.25016 of 2016

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