

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM:

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

Crl.O.P.No.25312 of 2016 &
Crl.M.P. Nos.12278 & 12277 of 2016

A.K. Sudha

Petitioner

Vs.

1 State
represented by the Sub Inspector of Police
City Crime Branch
Coimbatore
(Crime No.56 of 2010)

2 A. Gopinath Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for records and quash all further proceedings in C.C. No.128 of 2016 pending trial on the file of the Judicial Magistrate No.III Court, Coimbatore.

For petitioner Mr. K. Prabakar

For R1 Mr. C. Emalias
Additional Public Prosecutor

ORDER

When this Court was about to dismiss this Criminal Original Petition on merits, the learned counsel for the petitioner 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 petitioner sought to dispense with the personal appearance of the petitioner before the Judicial Magistrate Court No.III, Coimbatore.

2 In view of the above submission and endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn. 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 on her surrender, she shall be released on bail on the same day, on she furnishing a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties to the like sum to the Sessions Court of the trial Court. 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 (CrI.) 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 under Section 229-A IPC. Connected CrI.M.Ps. are closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Sub Inspector of Police
City Crime Branch, Coimbatore
- 2 The Judicial Magistrate No.III Court
Coimbatore
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104

CrI.O.P. No.25312 of 2016

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