

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.25578 of 2016
and
Crl.M.P.No.12452 of 2016

M. Yamuna ... Petitioner

Vs

1. The State of Tamil Nadu
by the Inspector of Police
District Crime Branch
Kancheepuram District.

2. S. Hemraj ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C. No.140 of 2014 on the file of the Judicial Magistrate No.II, Chengalpattu, Kancheepuram District and quash the same and pass further orders.

For Petitioner : Mr. J. Selvarajan
For R-1 : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in C.C. No.140 of 2014 on the file of the Judicial Magistrate No.II, Chengalpattu, Kancheepuram District.

2. It is seen that the accused had filed a Discharge petition in Crl. M.P. No. 70/2015 in C.C. No.140/2014 before the Judicial Magistrate II, Chengalpattu, which was dismissed by the trial court and the same has also been confirmed by the Sessions Court in the Revision.

3. 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 Accordingly, this petition is dismissed as withdrawn.

Consequently, connected miscellaneous petitions are closed.

4. At this juncture, learned counsel for the petitioner submitted that the petitioner being a lady, her presence before the Trial Court may be dispensed with. If the petitioner has not furnished any bail bond, the trial court is directed to obtain a fresh bail bond under Section 88 CrPC for a sum of Rs.10,000/-, [Rupees ten thousand only] without sureties. 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 (Crl.) 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1. The Inspector of Police
District Crime Branch
Kancheepuram District.
2. The Judicial Magistrate - II
Chengalpattu
Kancheepuram

3. The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.J. Selvarajan, Advocate, S.R.No.69431

rk(CO)
md(30/12/2016)

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