

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.9650 of 2016
and
CrI.MP.Nos.4984 and 4985 of 2016

Suseela Rajalakshmi ..Petitioner
Vs

1.State rep.by:
The Inspector of Police,
A.W.P.S,
Cuddalore - 607 001.

2.S.Premila ..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to C.C.No.11 of 2015 on the file of Judicial Magistrate, Additional Mahila Court, Cuddalore and quash the charge against the accused No.4 alone .

For Petitioner :Mr.K.Chairman Selvaraj
For Respondent-1 :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings framed against the accused No.4/petitioner herein in C.C.No.11 of 2015 on the file of Judicial Magistrate, Additional Mahila Court, Cuddalore.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. When this court was about to dismiss this petition on merits, the learned counsel for the petitioner sought permission to withdraw this petition, with liberty to raise all the points before the Trial Court and has made an endorsement to that effect.

4. At this juncture, the learned counsel for the petitioner seeks permission for dispensing with the personal appearance of the petitioner in the Trial Court. Recording his submission, this Court directs the petitioner to appear

before the trial Court, for receiving the complaint, for answering the charge, at the time of questioning under Section 313 Cr.P.C., and at the time of passing judgment. The petitioner shall file an affidavit of undertaking before the trial Court that she will not dispute her identity and that her counsel will cross-examine the prosecution witness on the day, they are examined in-chief and that she will not adopt dilatory tactics. On such undertaking, the trial Court shall dispense with the personal appearance of the petitioner. If the petitioner adopts any dilatory tactics, the trial Court can insist on her presence.

5. In view of the above, this Criminal Original Petition is dismissed as withdrawn to raise all the points before the Trial Court. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Judicial Magistrate,
Additional Mahila Court, Cuddalore.

2. -do- The Chief Judicial Magistrate,
Cuddalore.

3. The Inspector of Police,
A.W.P.S,
Cuddalore - 607 001.

2. The Public Prosecutor
High Court, Chennai.

+ 2 ccs to Mr.K Chairmansen Varaj, Advocate SR.8667

Cr1.OP No.9650 of 2016

RSY(CO)
EU 20.6.16