

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.20199 of 2018
and CRL.M.P.Nos.10794 & 10795 of 2018

1.Ansar
2.Nazeera
3.Shakin Banu
4.Abdul Khani ... Petitioners

Vs

1.State represented by its
The Inspector of Police,
Central Crime Branch,
Salem City, Salem District.
2.Sharmila .. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.89 of 2018 on the file of the learned Judicial Magistrate No.V, at Salem and quash the same.

For Petitioners : Mr.D.Dayalan
For Respondent : Mrs.M.Prabhavathi, APP for R1

O R D E R

This Criminal Original Petition has been filed to call for the records in C.C.No.89 of 2018 on the file of the learned Judicial Magistrate No.V, at Salem and quash the same.

2.Heard the learned counsel appearing for the petitioners and perused the materials placed on record.

3.When this Court was about to dismiss the case on merits, since there are prima facie materials to frame charge, learned counsel for the petitioners seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

4.In view of the above endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn, with liberty to raise all the points before the trial court after the charges are framed. Consequently, connected miscellaneous petitions are closed.

5.However, Mr.D.Dalayan, the learned counsel for the petitioners submitted that the presence of the petitioners 2 and 3/A2 and A3 being ladies, their presence before the trial Court may be dispensed with.

6.Accepting his submission, the petitioners 2 and 3/A2 and A3 are directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and execute a bond under Section 88 Cr.P.C. for Rs.5,000/- with two sureties. Thereafter, the petitioners 2 and 3 and A2 and A3 shall appear to receive the charge sheet under Section 207 of Cr.P.C., if not already received, to answer the charges under Section 239 of Cr.P.C., for questioning under Section 313 of Cr.P.C. and on the date of judgment. For other hearings, if the petitioners file an application under Section 317 of Cr.P.C., undertaking that they will not dispute their identity and that their counsel will cross-examine the prosecution witnesses on the day, they are examined in-chief, without adopting any dilatory tactics, their presence can be dispensed with.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.V,
Salem.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE
SALEM

3.3.The Inspector of Police,
Central Crime Branch,
Salem City, Salem District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Dayalan , Advocate SR.No.56555

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MG (CO)

ASK(07/09/2018)