

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.7225 of 2018 &

Cr.M.P.No.3728 of 2018

1.K.Manivarma
2.K.M.Hariharan
3.K.M.Narayanan @ Kutty
4.K.M.Vanitha

...Petitioners

Vs

1.The State rep. by
The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

2.N.D.Venkatesan

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to to call for the records in C.C NO. 351 OF 2017 on the file of Judicial Magistrate-1, Thiruvannamalai District and quash the same.

For Petitioner :Mr.R.Shivakumar.

For Respondents :Mr.C.Iyyappa Raj,
Additional Public Prosecutor for R1
Mr.A.Nagarajan, for R2

ORDER

The learned counsel for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

2.In view of the above endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is dismissed.

3.However, learned counsel for the accused submitted that the presence of the fourth respondent before the trial Court may be dispensed with as she got married very recently.

4.Accepting the submission, the fourth petitioner shall appear before the trial Court for receiving the charge sheet,

for answering the charges, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. For the other hearings, the fourth petitioner file a petition before the trial Court under Section 317 Cr.PC., giving an undertaking that she will not dispute her identity and that her counsel 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]. On such a petition being filed, the trial Court shall liberally consider the same. If the accused/R4 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 she absconds, the trial Court shall register a fresh FIR against her under Section 229-A IPC.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

kal/tsg
To

1.The State rep. by
The Inspector of Police,
District Crime Branch,
Thiruvannamalai District.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

+1cc to Mr.K.M.Vijayan Associates, SR.NO.54363
+1cc to Mr.K.R.Rameshkumar, Advocate SR.NO.54618

sm:30.8.2018

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