

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2018

CORAM:

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

Crl.O.P. No.12820 of 2016 & Crl.M.P. No.6636 of 2016

1 D.Vimalanathan
2 Radha
3 Selvaraj
4 D. Murugan
5 D. Jayakrishnan

Petitioners

vs

1 The Inspector of Police
Papparapatti Police Station
Dharmapuri
2 P. Govindhan

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records pertaining to C.C. No.19/2016 on the file of the District Munsif cum Judicial Magistrate, Pennagaram and quash the same.

For petitioners Mr. M. Selvam
For R1 Mrs. Kritika Kamal P.
Government Advocate (Crl. Side)
For R2 Mr. A. Sivaji

ORDER

When this Court was about to dismiss this Criminal Original Petition on merits, the learned counsel for the petitioners sought permission of this Court to withdraw the same and he has also made an endorsement to that effect. Permission is granted. Accordingly, this Criminal Original Petition is dismissed as withdrawn with liberty to the petitioners to raise all the points before the Trial Court after the charges are framed, since there are prima facie materials to frame charges.

2 However, the learned counsel for the petitioners submitted that since Radha (A2/second petitioner herein) is a lady residing in Chennai and it will be very difficult for her to come every time to Dharmapuri, her presence before the Trial Court may be dispensed with.

3 Acceding to the submission made by the learned counsel for the petitioners, this Court directs that Radha (A2/second petitioner herein) shall appear before the Trial Court to receive the charge sheet under Section 207 Cr.P.C., for framing charges, for questioning under Section 313 of Cr.P.C. and on the date of judgment. For other hearings, if she files an application under Section 317 of Cr.P.C. 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, without adopting any dilatory tactics, her presence can be dispensed with. The Trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this order, provided there is no other legal impediment. Connected Crl.M.P. is closed.

cad

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector of Police
Papparapatti Police Station
Dharmapuri District
- 2 The District Munsif-cum -udicial Magistrate
Pennagaram
- 3 The Public Prosecutor
High Court of Madras
Chennai 600 104

+1cc to Mr.A.SIVAJI, Advocate, S.R.No.41984/18

+1cc to Mr.M.SELVAM , Advocate, S.R.No.42041/18

Cr1.O.P. No.12820 of 2016

NRL (CO)
ASK(11/07/2018)