

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.OP No.20629 of 2018
and
CrI.MP.Nos.11087 & 11088 of 2018

T.Sumathi ... Petitioner

Vs

- 1.The State rep. by
Sub Inspector of Police,
District Crime Branch,
Kanchipuram District-631 501,
Tamilnadu.
- 2.M.Manivannan ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in C.C.No.56 of 2018 on the file of
the learned Judicial Magistrate II, Kanchipuram and quash the
same.

For Petitioner : Mr.P.Prakashpaul

O R D E R

When this Court was about to dismiss this petition on
merits, the learned counsel for the petitioner sought
permission of this Court to withdraw the same and has also made
an endorsement to that effect.

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for the petitioner, this petition is dismissed as withdrawn.

3. However, the learned counsel for the petitioner sought
permission of this Court to dispense with the personal
appearance of the petitioner before the trial Court.

4. Accepting his submission, the petitioner is directed to
appear before the trial Court within a period of two weeks from
the date of receipt of a copy of this order. On her
appearance, she shall file a petition under Section 436(1)
Cr.PC, for bail and the trial Court shall release her on bail
on the same day, on executing a bond for Rs.5,000/- each with

two sureties. Thereafter, the petitioner shall appear before the trial Court for receiving the complaint, for questioning under Section 251 Cr.PC, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. For the other hearings, the petitioner shall file a petition before the trial Court under Section 317 Cr.PC., giving an undertaking that they 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 (Cr1) 288]. On such a petition being filed, the trial Court may liberally consider the same. If the accused adopt 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 the accused abscond, the trial Court shall direct registration of an FIR against them under Section 229-A IPC. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

The Judicial Magistrate II,
Kanchipuram.

Cr1.OP No.20629 of 2018
and

Cr1.MP.Nos.11087 & 11088 of 2018

SP(07/09/2018)

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