

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.11999 of 2018

and

Crl.M.P.Nos.6338 & 6339 of 2018

Gokulakannan ... Petitioner

Vs

Cholamandalam Investment and Finance
Company represented by
its Power of Attorney Agent
Mr.Chakravarthy,
13 B, New No.31 B, second floor,
Siddhaverappachetty Street,
Dharmapuri Town,
Dharmapuri District, Pin - 636 903. ... Respondent

Prayer:- Criminal Original Petition filed under Section 482
Cr.P.C., to call for the records in connection with
C.C.No.105 of 2017 pending on the file of the Judicial
Magistrate FTCl (ML), Dharmapuri and quash the same.

For Petitioner : Mr.K.Thiruvengadam

For Respondent : Mrs.Kritika Kamal.P
Govt. Advocate (Crl. Side)

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. However, the learned counsel for the petitioner sought leave of this Court for dispensing with the personal appearance of the petitioner before the trial court.

2. 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 his appearance, he shall file a petition under Section 436(1) Cr.PC, for bail and the trial Court shall release him on bail on the same day, on he executing a bond for Rs.5,000/- 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 he will not dispute his identity and that the counsel named by him in the affidavit will cross-examine the prosecution witnesses on the day he is examined-in-chief, as held by the Supreme Court in Vinod Kumar vs. State of Punjab [2015(1) MLJ (Cr1) 288], the trial Court may liberally consider the same. If the accused adopts any dilatory tactics, it is open to the trial Court to insist upon his presence and remand him 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 absconds, the trial Court shall direct registration of an FIR against him under Section 229-A IPC.

3. In view of the above endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn, with the above directions. Consequently, connected Miscellaneous Petitions are closed.

-sd/-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Judicial Magistrate FTCl (ML),
Dharmapuri.

2. The Public Prosecutor
High Court, Madras.

C.C. to M/S.K.Thiruvengadam Advocate SR.NO. 29884

Cr1.OP No.11999 of 2018
and

Cr1.M.P.Nos.6338 & 6339 of 2018

MP (CO)

VS 11.05.2018