

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.12038 of 2018

and

Crl.MP.Nos.6347 & 6348 of 2018

1.R.Balaji

2.P.Ragunathan

3.R.Padma

.. Petitioners

Vs

1.The Inspector of Police

W-23, All Women Police Station

Royapettah, Chennai-600 014.

2.Yamini

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to call for the records and quash the charge sheet filed by the respondent police in C.C.No.7582 of 2017 on the file of the learned XVIII Metropolitan Magistrate Court at Saidapet.

For Petitioners : Mr.P.Rajkumar Pandian

For Respondents : Mrs.Kritika Kamal.P

Government Advocate (Crl. Side)

for R1.

O R D E R

When this Court was about to dismiss this petition on merits and since there are prima facie materials against the petitioners for framing charges, the learned counsel for the petitioners sought permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn with liberty to the petitioners to raise all the points before the trial Court.

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

4. Accepting his submission, the petitioners 2 & 3 / accused 2 & 3 are 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 their appearance, they shall execute a bond under Section 88 Cr.P.C, for Rs.5,000/- without sureties. Thereafter, the petitioners 2 & 3 / accused 2 & 3 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 petitioners 2 & 3 / accused 2 & 3 shall file a petition before the trial Court under Section 317 Cr.PC., giving an undertaking that they will not dispute their identity and that the counsel named by them 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 their presence and remand them 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. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

mk

To

1. The Metropolitan Magistrate No.XVIII
Saidapet.

2. -do-thorough the Chief Metropolitan
Magistrate Chennai.

3. The Inspector of Police
W-23, All Women Police Station
Royapettah, Chennai-600 014.

3. The Public Prosecutor, High Court,
Madras.

+ 1 cc to Mr.P. Rajkumar Pandiyan, Advocate Sr.30464

Cr1.OP No.12038 of 2018

NRL(CO)
EU(10/05/2018)