

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH, J.

Crl.O.P.No.2503 of 2018

And

Crl.M.P.Nos. 5848, 5847, 1034 & 1035 of 2018

Suganthy Baskar ...Petitioner / Accused - 3

Vs.

M. John Peter ... Respondent / Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C. Seeking a direction to call for the records in respect of the impugned private complaint in C.C. No.9008/2017 now pending on the file of the Hon'ble Fast Track Metropolitan Magistrate Court No.II, Egmore at Allilkulam, Chennai and quash the same.

For Petitioner : Mr.A.Thirumaran

For Respondent : Mr.C.P.Sivamohan

ORDER

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

2. Permission is granted.

3. Accordingly, this Petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court. Consequently, connected Miscellaneous Petitions are closed.

4. However, the learned counsel for the petitioner submitted that the prosecution has been lodged before the Fast Track Metropolitan Magistrate Court No.II, Egmore at Allilkulam,

Chennai and that the petitioner is working in Chennai, and therefore, the presence of the petitioner before the trial Court may be dispensed with.

5. 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 she executing a bond for Rs.5,000/- with two sureties. Thereafter, the petitioner shall appear before the trial Court 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 (CrI) 288]. On such a petition being filed, the trial Court may liberally consider the same.

6. The trial Court is directed to complete the trial within a period of six month from the date of receipt of a copy of this order provided there is no legal impediment. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

vsg/mtl

To

The Fast Track Metropolitan
Magistrate Court No.II,
Egmore at Allikulam, Chennai

+2cc to Mr.C.P. Sivamohan, Advocate SR.No.56729

+1cc to Mr.K. Senthilnathan, Advocate SR.No.57530

CrI.O.P.No.2503 of 2018

And

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GMV (05/09/2018)