

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.16290 of 2018

and

Crl.MP.Nos.8378 & 8379 of 2018

- 1.Jeyabal
- 2.Vijayalakshmi
- 3.Sivanesan
- 4.Gokulakrishnan

.. Petitioners

Vs

- 1.The State represented by
The Inspector of Police
Boombuhar Police Station
Nagapattinam District.

- 2.Ravi

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings pending C.C.No.148 of 2015 on the file of the Judicial Magistrate, Sirkazhi, Nagapattinam District for the offences under Sections 418, 420, 423 and 465 IPC.

For Petitioners : Mr.P.N.Vignesh

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 In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn with liberty to the petitioners to raise all the points before the trial Court.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

4. Accepting his submission, the second 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 execute a bond under Section 88 Cr.P.C, for Rs.5,000/- without sureties. Thereafter, the second petitioner 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 second petitioner shall file a petition before the trial Court under Section 317 Cr.P.C., giving an undertaking that she will not dispute her identity and that the counsel named by her in the affidavit will cross-examine the prosecution witnesses on the day she is 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 adopts 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 absconds, the trial Court shall direct registration of an FIR against her under Section 229-A IPC. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Sirkazhi,
Nagapattinam District.
2. The Inspector of Police
Boombuhar Police Station
Nagapattinam District.
3. The Public Prosecutor
High Court, Madras.

+lcc to Mr.P.N.Vignesh, Advocate Sr.No.40612

sm:4.7.2018

Cr1.OP No.16290 of 2018