

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.18334 of 2018
and
CrI.MP.Nos.9615 & 9616 of 2018

Mynavathy

.. Petitioner

Vs

1.State represented by
The Inspector of Police Team XV
Central Crime Branch
Veppery, Chennai-600 007.

2.D.Nagarajan

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings in C.C.No.66 of 2013 on the file of the learned Metropolitan Magistrate (Special Magistrate for Land Grabbing Cases) No.II, Periamet, Chennai, in Crime No.34 of 2009 on the file of the respondent.

For Petitioner : Mr.R.John Sathyan
For Respondents : Mr.C.Iyyapparaj
Additional Public Prosecutor
for R1

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 In view of the endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court, after charges are framed.

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/accused 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 petitioner/accused 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 petitioner/accused 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 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 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. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate
(Special Magistrate for Land Grabbing Cases) No.II,
Periamet, Chennai.
2. The Inspector of Police Team XV
Central Crime Branch
Veppery, Chennai-600 007.
3. The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr. R. John Sathyan, Advocate Sr.50995

Cr1.OP No.18334 of 2018

(CS-V)
EU(02/08/2018)