

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18515 of 2018
and CRL.M.P.Nos.9743 & 10023 of 2018

1.D.Prema
2.K.Padmavathi

.. Petitioners

Vs

1.P.Namekumar,
S/o.A.Paraschand
Prop. of "Mahaveera"
Having business at
No.1, K.G.Layout,
Kongu Main Road,
Tirupur 641 607.

2.M/s.Vijai Mahalakshmi Spinning Mills India
Pvt. Ltd. [In liquidation]
Rep. by its Liquidator
Vengarai Seshadri Sowrirajan,
Having its regd. Office at
Old No.5, New No.15, KRR Layout 2nd Street,
Opp. Diamond Theatre,
Tirupur 641 604.

3.C.Dhandapani

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to call for the records pertaining to C.C.No.195 of 2016 on the file of the FTC, Judicial Magistrate, Tirupur against the 1st petitioner/A3 and the 2nd petitioner/A4 and quash the proceedings against the 1st petitioner/A3 and the 2nd petitioner/A4 in C.C.No.195 of 2016 on the file of the FTC, Judicial Magistrate, Tirupur, arising out of the private complaint filed by the 1st respondent under Section 200 Cr.P.C. r/w Sections 138 and 142[2] of the Negotiable Instruments Act, 1881.

For Petitioners : Mr.B.Deepak Narayanan

O R D E R

When this Court was about to dismiss the case on merits, learned counsel for the petitioners seek 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2.In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn, with liberty to the petitioner to raise all the points before the trial court, after the charges are framed. Consequently, connected Miscellaneous Petitions are closed.

3.However, learned counsel for the petitioner prayed for dispensing with the personal appearance of the petitioners before the trial Court.

4.Accepting the submission, the petitioners are directed to surrender before the trial Court within two weeks from the date of receipt of a copy of this order and file an application under Section 436 Cr.P.C. for bail. On such application being filed, the trial Court shall release them on bail, on executing a bond for Rs.10,000/- with two sureties each. Their presence before the trial Court shall be dispensed with, on condition that they shall file an affidavit that they will not dispute their identity and that, their counsel will cross-examine the witnesses when they examined in-chief, as held by the Supreme Court in Vinodh Kumar Vs State of Punjab reported in 2015[1] MLJ [Crl] 288. The petitioners shall present before the trial Court for receiving copies under Section 207 Cr.P.C., for answering charges, for questioning under Section 313 Cr.P.C. and on the date of judgment. For other hearings, if the petitioners files an application under Section 317 Cr.P.C., the same shall be liberally construed. If the accused adopts any dilatory tactics, the trial Court shall insist upon the presence of the accused. If the accused absconds, a fresh FIR can be registered against her under Section 229-A of IPC.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VII)

// True Copy//

WEB COPY
Sub Assistant Registrar

To
The Judicial Magistrate,
FTC, Tirupur.

+1cc to Mr.Deepak Narayanan, Advocate SR.No.51134
+1cc to Mr.Deepak Narayanan, Advocate SR.No.51134 dt.19.9.2018

CRL.O.P.No.18515 of 2018

SMI/11.08.2018