

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.18530 of 2018

and

Crl.M.P.Nos.9744 and 9745 of 2018

1.C.Sathish Kumar
S/o.Chandran

2.C.Chandran
S/o.Chellakannupillai

3.C.Subbulakshmi
W/o.Chandran

4.M.Amutha
W/o.L.Muthaiah

5.L.Muthaiah
S/o.Lakshminarayanan

6.C.Sudhanandan
S/o.Chandran

7.S.Chitra
W/o.Sudhanandan

8.L.Rani
W/o.Lakshmanan

... Petitioners/1 to 8 Accused

सत्यमेव जयते
Vs

1.The Inspector of Police,
All Women Police Station,
Ambattur,
Chennai - 600 053.

2.Manikanda Muniswari @ Divya

... Respondent/Complainant

Criminal Original Petition filed under Section 482 Cr.P.C.
to call for the records in C.C.No.53 of 2018 on the file of
learned Judicial Magistrate, Ambattur and quash the proceedings.

For Petitioners :Ms.M.Vanitha for
M/s.Majestic Law Firm

For Respondent : Mr.C.Raghavan,
Government Advocate [Cr1.side] [R1]

O R D E R

When this Court was about to dismiss this petition on merits since there are prima facie materials to frame charges, 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 In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn with liberty to the petitioners to raise all the points before the trial Court after the charges are framed.

3. However, the learned counsel for the petitioners submitted that the presence of the petitioners 2 to 8, who are the relatives of first accused, may be dispensed with before the trial Court.

Accepting his submission, the petitioners 2 to 8 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, each of them shall execute a bond under Section 88 Cr.P.C, for Rs.5,000/- without sureties. Thereafter, the petitioners 2 to 8 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 to 8 shall file a petition before the trial Court under Section 317 Cr.P.C., 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 adopts 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 absconds, the trial Court shall direct registration of an FIR against them under Section 229-A IPC. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Judicial Magistrate,
Ambattur.
- 2.The Inspector of Police,
All Women Police Station,
Ambattur,
Chennai - 600 053.
- 3.The Public Prosecutor
High Court, Madras.

+1cc to M/S.Majestic Law Firm, Advocate Sr.48807

Cr1.O.P.No.18530 of 2018

ca[co]
srg 6/8/2018

सत्यमेव जयते
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