

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.19465 of 2018
and Cr1.M.P.Nos.10308 and 10309 of 2018

1. Dhatchayani
2. Velmayil
3. Devan

.. Petitioners

Vs

1. State rep. by
The Inspector of Police
All Woman Police Station
Virudhachalam,
Cuddalore District.
(Crime No.12/2017)

2. Kavitha

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the case in C.C.No.20 of 2018 on the file of Judicial Magistrate-I, Virudhachalam and quash the same.

For Petitioners : Mr.P.Venkatesan

For R1 : Ms.M.Prabhavathi

Additional Public Prosecutor

O R D E R

When this Court was about to dismiss this petition on merits, learned counsel for the petitioners sought permission of this Court to withdraw the same and he has also made an endorsement to that effect. Permission is granted. Accordingly, this Criminal Original Petition is dismissed as withdrawn with liberty to raise all the points before the trial Court. Consequently, connected miscellaneous petitions are closed.

2. At this juncture, learned counsel for the petitioners submitted that the presence of the petitioners before the trial Court may be dispensed with.

3. Accepting the said submission, the presence of the first petitioner/Dhatchayani before the trial Court shall be dispensed with on condition that, she shall be present for framing of charges, for answering the charge, at the time of questioning under Section 313, Cr.P.C. and at the time of passing judgment. For the other hearings, she 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 application 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.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
All Woman Police Station
Virudhachalam,
Cuddalore District.

2. The Judicial Magistrate-I,
Virudhachalam

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.P.Venkatesan, Advocate, S.R.No.58009

Cr1.O.P.No.19465 of 2018

NRL(CO)
GSP(04/09/2018)

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