

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.19735 of 2018

and

CrI.MP.Nos.10468 & 10469 of 2018

1.Palanisamy

2.Revathi

... Petitioner/Accused 8 & 6

Vs

1.The State rep. By

The Inspector of Police,

AWPS, Gudiyatham,

Vellore District

Cr.No.20/2014

... Respondent/Complainant

2.Ramya

... Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to the proceedings in C.C.No.44 of 2018 on the file of the learned Judicial Magistrate, Gudiyatham and quash the same.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.M.Prabhavathi, APP for R1

सतयमेव जयते
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 In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn.

3. However, the learned counsel for the petitioners sought permission of this Court to dispense with the personal appearance of the petitioner before the trial Court.

4. Accepting his submission, the petitioners 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, they shall file a petition under Section 436(1) Cr.PC, for bail and the trial Court shall release them on bail on the same day, on executing a bond for Rs.5,000/- each with two sureties. Thereafter, the petitioners shall appear before the trial Court for receiving the complaint, for questioning under Section 251 Cr.PC, at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. For the other hearings, the petitioners shall file a petition before the trial Court under Section 317 Cr.PC., 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 adopt 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 abscond, the trial Court shall direct registration of an FIR against them under Section 229-A IPC. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate,
Gudiyatham

2. Thro' The Chief Judicial Magistrate,
Vellore.

3. The Inspector of Police,
AWPS, Gudiyatham,
vellore District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.THIYAGARAJAN, Advocate, S.R.No. 54635

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SSV(CO)
TR(30/08/2018)



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