

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.19812 of 2018

and

Crl.MP.Nos.10532 & 10533 of 2018

D.Chinadurai

.. Petitioner

Vs

1. State represented by
The Inspector of Police
K-10, Koyembedu Police Station,
Chennai.

2. Chinapponu

3. Ambika

.... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to call for the records and quash the charges in C.c.No.7013 of 2017 on the file of the Vth Metropolitan Magistrate, Egmore, Chennai-8 in respect of the petitioner.

For Petitioner : Mr.A.J.Mohamed Kassim

For Respondents : Ms.M.Prabhavathi

Addl. Public Prosecutor for R1

O R D E R

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 In view of the endorsement made by the learned counsel for the petitioner, this petition is dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court, after questioning is over.

3. However, the learned counsel for the petitioner sought permission of this Court to dispense with the personal appearance of the petitioner/ accused 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 his appearance, he shall execute a bond under Section 88 Cr.P.C, for Rs.5,000/- without sureties. Thereafter, the petitioner 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.PC., giving an undertaking that he will not dispute his identity and that the counsel named by him 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 his presence and remand him 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 him under Section 229-A IPC. Consequently, connected miscellaneous petitions are closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Vth Metropolitan Magistrate,
Egmore, Chennai-8

2. The Inspector of Police
K-10, Koyembedu Police Station,
Chennai.

3. The Public Prosecutor
High Court, Madras.

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SP(30/08/2018)