

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.O.P.Nos.24844 & 24850 of 2018
and
Crl.M.P.Nos.14025 & 14028 of 2018

Anjum Imtiaz ... Petitioner in both petitions

Vs.

1.M/s.P.S.Weavers Private Limited,
Rep. by its Chief Accounts Manager,
G.Ravichanderan,
Having Office at
No.15, Race Course Road,
Guindy, Chennai - 600 032.

2.M/s.SHA Enterprises,
Rep. by its Director,
Imtiaz H.A.S.,
No.3/3, Building No.6, Next to Cauvery Tank,
Kodochikkanahalli, BegurHobli, Bommanahalli,
Bangalore, Karnataka - 560 068.

3.Imtiaz Has Hasatar

... Respondents in both petitions

Criminal Original Petitions in Crl.O.P.Nos.24844 and 24850 of 2018 filed under Section 482 Cr.P.C. to call for the entire records and quash the complaint in C.C.Nos.5519 and 5520 of 2018, respectively, on the file of the Fast Track Court-II, Metropolitan Magistrate Egmore, at Allikulam, Chennai, insofar as the petitioner is concerned.

For Petitioner : M/s.N.Kavitha Rameshwar

C O M M O N O R D E R

When the Court was about to dismiss these petitions on merits, learned counsel for the petitioner sought permission of this Court to withdraw the same and she has also made an endorsement to that effect. Permission is granted. Accordingly, these Criminal Original Petitions are dismissed as withdrawn with liberty to the petitioner to raise all the points before the trial Court, after the charges are framed.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.

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

3. Accepting the said submission, the petitioner/accused is directed to appear before the trial Court within two weeks from the date of receipt of a copy of this order and she shall file an application under Section 436 Cr.P.C. for bail, and on such application being made, the trial Court shall release her on bail on the same day. The presence of the petitioner before the trial Court shall be dispensed with, on condition that, she shall be present before the trial Court for receiving the complaint under Section 207 Cr.P.C., for answering the accusation under Section 251 Cr.P.C., at the time of questioning under Section 313 Cr.P.C. and at the time of passing judgment. For the other hearings, the petitioner 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 petitioner/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 petitioner/accused absconds, the trial Court shall direct registration of an FIR against her under Section 229-A IPC.

Mkn

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Metropolitan Magistrate,
Fast Track Court-II,
Egmore, at Allikulam, Chennai.
2. -do- thro The Chief Metropolitan Magistrate,
Egmore, Chennai.
- 3.The Public Prosecutor, High Court, Madras.

+1cc to M/s.N.Kavitha Rameshwar, Advocate S.R.No.72765

KR/30/10/18

Cr1.O.P.Nos.24844 & 24850 of 2018
and

Cr1.M.P.Nos.14025 & 14028 of 2018