



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) Nos.1282 and 1313 of 2016

Tmt.Dr.S.P.Denisia : Petitioner in both Petitions

-Vs-

1. The State of Tamil Nadu,
Rep. by the Deputy Superintendent of Police ,
Vigilance and Anti-Corruption,
Palayamkottai,Tirunelveli District.
(Crime No.6 of 2012)

2.Mr.B.Thangasamy : Respondents in both Petitions

PRAYER in CRL.O.P. (MD)No.1282 of 2016: Petition is filed under Section 482 of the Criminal Procedure Code praying to pass an order to call for the records pertaining to charge sheet in Special Case No.8 of 2015 pending before the learned Special Judge for Trial Cases Under Prevention of Corruption Act, Tirunelveli District in Crime No.6 of 2012, dated 17.12.2012 on the file of the first respondent for offences under Sections 167, 465, 468, 471, 477A and 120(B) IPC and under Sections 13(2) r/w 13 (1)(d) of the Prevention of Corruption Act, 1988 and quash the same as illegal as far as the petitioner is concerned.

PRAYER in CRL.O.P. (MD)No.1313 of 2016: Petition is filed under Section 482 of the Criminal Procedure Code praying to pass an order to call for the records pertaining to charge sheet in Special Case No.9 of 2015 pending before the learned Special Judge for Trial Cases Under Prevention of Corruption Act, Tirunelveli District in Crime No.6 of 2012, dated 17.12.2012 on the file of the first respondent for offences under Sections 167, 465, 468, 471, 477A and 120(B) IPC and under Sections 13(2) r/w 13 (1)(d) of the Prevention of Corruption Act, 1988 and quash the same as illegal.

For Petitioner : Mr.J.Pandi Dorai,
in both cases For Mr.T.Lajapathi Roy
For Respondent No.1 : Mr.C.Mayil Vahana Rajendran,
in both cases Additional Public Prosecutor
For Respondent No.2 : No Appearance

**COMMON ORDER**

When this Court was about to dismiss these petitions on merits, the learned counsel for the petitioner sought permission of this Court to withdraw the petitions and he has also made an endorsement to that effect.

2. Permission is granted. The Criminal Original Petitions are dismissed as withdrawn with liberty to the petitioner to raise all the points before the Trial Court, after the charges are framed.

3. At this juncture, the learned counsel appearing for the petitioner submits that the presence of the petitioner before the Trial Court in both the cases may be dispensed with.

4. Accepting the submission, this Court directs the petitioner to appear before the Trial Court in both the cases for collecting the final report and other papers under Section 207 Cr.P.C., at the time of framing charges, for questioning under Section 313 Cr.P.C. and on the day of judgment. On all other dates, if the petitioner files an application under Section 317 Cr.P.C., undertaking that she will not dispute her identity and that her counsel will cross-examine the prosecution witnesses on the day they are examined in chief, as held by the Hon'ble Supreme Court in **Vinod Kumar vs. State of Punjab** reported in **2015 (1) Scale 542**, in her absence without adopting dilatory tactics, the Trial Court may liberally consider and entertain the same. If she absconds, a fresh First Information Report can be registered against her under Section 229-A of the Indian Penal Code. If she adopts any dilatory tactics, it is open to the Trial Court to insist upon her presence.

Sd/-

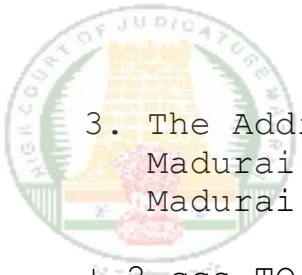
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Special Judge for Trial Cases
Under Prevention of Corruption Act,
Tirunelveli District.
2. The Deputy Superintendent of Police ,
The State of Tamil Nadu,
Vigilance and Anti-Corruption,
Palayamkottai,
Tirunelveli District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2ccs TO Mr.T.Lajapathi Roy , Advocate in SR No. 43703,43702

WEB COPY

SML

AE/SKN RSK/SAR2/08.02.2018/3P/6C

Common Order made in
CRL.O.P. (MD) Nos.1282 and 1313 of 2016
Dated: 23.01.2018